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THE

LAWS

OF

MASTERS AND SERVANTS CONSIDERED;

WITH OBSERVATIONS ON

A BILL

INTENDED TO BE OFFERED TO PARLIAMENT,

To prevent the forging and counterfeiting of Certificates of Servants Characters.

TO WHICH IS ADDED

AN ACCOUNT OF A SOCIETY

Formed for the Encreaſe and Encouragement of Good Servants.

By J. HUNTINGFORD, Gent.
SECRETARY OF THE SOCIETY.

LONDON:

PRINTED FOR THE AUTHOR,
AND SOLD BY E. AND R. BROOKE, BELL YARD,
NEAR LINCOLN'S INN.

M. DCC. XC.

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PREFACE.

THE writer of the following chapters, by the nature of his appointment, was led to conſider every circumſtance, either immediately or collaterally connected with the ſubject of SERVANTS. It appeared to him, that a retroſpect of their condition in paſt ages, an inveſtigation of laws which were enacted reſpecting them in former centuries, and ſome notice of manners and cuſtoms prevalent in the ſeveral periods when ſuch laws were framed, would be matters not merely of curioſity, but of utility alſo, as the main ſubject might thereby be placed in a more intereſting point of view, enquirers be enabled to form more extenſive ideas, and thus the generous and enlarged deſign of the SOCIETY FOR THE ENCOURAGEMENT AND ENCREASE OF GOOD SERVANTS, might ultimately be much forwarded.

To readers long converſant with law, and well acquainted with the hiſtory of ſucceſſive Acts of Parliament, perhaps nothing new will herein be preſented: yet, as ſuch readers muſt have ſenſibly experienced the labour of revolving the records of ancient days, they are particularly requeſted

to receive with indulgence theſe chapters, which, though few in number, yet they required as deep reſearch as a work of larger extent.

By readers, whoſe time, occupations, and habits prevent them from inveſtigating ſubjects of this kind, as they are diſcuſſed in numerous volumes, probably ſome new information may be found: and to them it may be not ineligible to ſee comprized in ſhort compaſs, the ſubſtance of very many bulky works. On theſe accounts, therefore, it is hoped, that they alſo will give theſe pages a favourable reception.

Should any be diſpoſed themſelves to make further enquiry into the matters herein treated, for their aſſiſtance, for the ſake alſo of confirming the text, and with a view of fairly and fully acknowledging what is due to preceding writers, exact reference to the ſeveral works of ſuch writers is made in proper places.

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CHAPTER

CHAPTER THE FIRST.

The State of Servitude in England, previous to the Conqueſt.—The Acts of Parliament relating to Maſters, Servants, Artificers, and Labourers, from the Reign of Edward the Third to the beginning of the Reign of Queen Ann.

DURING that period of modern hiſtory, which includes the ſeventh and four following centuries, ſuch was the ſtate of manners in Europe, that ALL thoſe, who are generally underſtood, when we ſpeak of the PEOPLE or COMMONALTY, appear to have been unhappily circumſtanced. For however the condition of ſome might have been rather more tolerable than that of others, yet ALL had reaſon to complain. Some were groaning under the yoke of actual ſervitude; others were removed but one degree from ſervitude; others, though nominally called free, were yet continually cruſhed by the hand of grinding oppreſſion, exerciſed by ſuperior lords.

The PEOPLE of thoſe days, according to their ſeveral capacities, may be divided into three claſſes (*a*).

I. SERVI or SLAVES. This ſeems to have been the moſt numerous claſs, and conſiſted either of captives taken in war, or of perſons in whom a

(*a*) 1 Robertſon's Cha. 5. p. 272.

property was acquired by various methods. The wretched condition of this numerous race of men, will appear from ſeveral circumſtances.

1. Their Maſters had abſolute dominion over their perſons. They had the power of puniſhing their ſlaves capitally, without the intervention of any judge. This dangerous right they poſſeſſed not only in the more early periods, when they were as yet uncivilized, but even ſo late as to the twelfth century: and after this juriſdiction of Maſters came to be reſtrained, the life of a ſlave was deemed to be of ſo little value, that a very ſlight compenſation atoned for taking it away: and in caſes where a freeman paid only a fine or compenſation, the Slave was ſubjected to corporal puniſhment. The cruelty of the ſuperior was in many inſtances exceſſive. Slaves might be put to the rack on very ſlight occaſions.

2. If the dominion of Maſters was thus extenſive over the lives and perſons of their Slaves, it was no leſs ſo over their actions and property. They were not originally permitted to marry. Male and female Slaves were indeed allowed and encouraged to cohabit together: but this union was not conſidered as a marriage. This notion was ſo much eſtabliſhed, that during ſeveral centuries after the barbarous nations embraced the Chriſtian Religion, Slaves, who lived as huſbands and wives, were not joined together by any religious ceremony, and did not receive the nuptial benediction from the Prieſt. When this conjunction between Slaves came to be conſidered as a lawful marriage, they were not permitted to marry without the conſent of their Maſter, and ſuch as ventured to marry without obtaining conſent, were puniſhed with great ſeverity, and ſometimes were put to death. When the European Nations became more gentle, and their ſentiments more liberal, Slaves who married without

without their Maſter's conſent, were ſubjected only to a fine.

3. All the children of the Slaves were in the ſame condition with their parents, and became the property of the Maſter.

4. Slaves were ſo entirely the property of their Maſters, that they could ſell them at pleaſure. While domeſtic ſlavery continued, property in a Slave was ſold in the ſame manner with that which a perſon had in any other moveable. Afterwards Slaves were conveyed by ſale, together with the farm or eſtate to which they belonged.

5. Slaves had a title to nothing but ſubſiſtence and clothes from their Maſter; all the profits accruing from their labour belonged to him. If a Maſter, from indulgence, gave his Slaves any fixed allowance for their ſubſiſtence, they had no right of property in what they ſaved out of ſuch allowance. All that they accumulated belonged to their Maſter; and conformably to the ſame principle, all the effects, which at their death Slaves left behind them, were claimed by their Maſter, againſt whom no teſtament made by Slaves could have any force.

6. Slaves were diſtinguiſhed from freemen by a peculiar dreſs. Among all the barbarous nations, long hair was a mark of dignity and of freedom; Slaves were for that reaſon obliged to ſhave their heads, and by this diſtinction, how indifferent ſoever it may be in its own nature, they were reminded every moment of the inferiority of their condition. For the ſame reaſon it was enacted in the laws of almoſt all the nations of Europe, that no Slave ſhould be admitted to give evidence againſt a freeman in a court of juſtice.

II. VILLANI. They were likewiſe *adſcripti glebæ*, or *villæ*, from which they derived their

 name,

name, and were transferable with the land or farm. But in this they differed from Slaves, that they paid a fixed rent to their Maſter for the land which they cultivated, and after paying ſuch rent, all the fruits of their labour and induſtry remained with themſelves in property.

III. The laſt claſs of perſons employed in agriculture, were Freemen. Theſe are diſtinguiſhed by various names among the writers of the middle ages. Theſe ſeem to have been perſons who poſſeſſed ſome ſmall allodial property of their own, beſides which they cultivated ſome farm belonging to their more wealthy neighbours, for which they paid a fixed rent; and bound themſelves likewiſe to perform ſeveral ſervices, ſuch as ploughing a certain quantity of their lord's ground, aſſiſting him in harveſt and vintage work, &c. It is not certain whether theſe were removeable at pleaſure, or held their farms by leaſe for a certain term of years. The former, if we may judge from the genius and maxims of the age, ſeems to be the moſt probable. Theſe perſons, however, were conſidered as free in the moſt honourable ſenſe of the word; they enjoyed all the privileges of freedom, and were even called to ſerve in war; an honour to which no ſlave was admitted. Yet notwithſtanding the immenſe difference between the firſt of theſe claſſes and the third, ſuch was the ſpirit of tyranny which prevailed among the great proprietors of land, and ſo various the opportunities of oppreſſing thoſe who were ſettled on their eſtates, that many freemen in deſpair renounced their liberty, and voluntarily ſurrendered themſelves as Slaves to their powerful Lords. This they did in order that their Lords might become more immediately intereſted to afford them at once protection and the means of ſupporting

ing themſelves and their families. The reaſon given in ſuch ſurrender, was the wretched and indigent condition of the perſon who gave up his liberty. It was ſtill more common for freemen to ſurrender their liberty to Biſhops or Abbots, that they might partake of the ſecurity which the vaſſals and Slaves of Churches and Monaſteries enjoyed, in conſequence of the traditional veneration paid to the ſaint under whoſe immediate protection they were ſuppoſed to be taken. That condition muſt have been miſerable indeed, which could induce a freeman voluntarily to renounce his liberty, and to conſign himſelf as a Slave to the diſpoſal of another. Thus the Slaves in every nation of Europe became extremely numerous. The greater part of the inferior claſs of people in France were reduced to this ſtate at the commencement of the third race of kings, when the Capetian family began to reign about the year 988. The ſame was the caſe in England at that period.

As ſoon (*b*) as the cities of Italy began to turn their attention towards commerce, and to conceive ſome idea of the advantages which they might derive from it, they became impatient to ſhake off the yoke of their inſolent lords, and to eſtabliſh among themſelves ſuch a free and equal government, as would ſecure property and promote induſtry. In leſs (*c*) than two centuries, ſervitude was aboliſhed in moſt of the towns in France, and they became free corporations, inſtead of dependent villages, without juriſdiction or privileges. Much about the ſame period, the great cities in Germany began to acquire like immunities, and laid the foundation of their preſent liberty and juriſprudence. The practice

(*b*) Robertſon, 37. (*c*) Ibid. 39.

quickly ſpread over Europe, and was adopted in Spain, England, Scotland, and all other feudal kingdoms.

When this practice prevailed, the people (*d*) acquired the four following conceſſions:

1. The right of diſpoſing of the perſon of their vaſſals, by ſale or grant, was relinquiſhed by the Lord.

2. Power was given to them of conveying their property and effects by will, or by any other legal deed; or, if they happened to die inteſtate, it was provided that their property ſhould go to their lawful heirs, in the ſame manner as the property of other perſons.

3. The ſervices and taxes which they owed to their ſuperior Lord, which formerly were arbitrary, and impoſed at pleaſure, were preciſely aſcertained.

4. They were allowed the privilege of marrying whatever perſon they might chooſe, as formerly they could contract no marriage without their Lord's permiſſion, and with no perſon but one of his Slaves.

As the occaſions of intercourſe among men increaſed (*e*) ſtatutes and regulations multiplied of courſe, and all became ſenſible that the common ſafety depended on obſerving them with exactneſs, and puniſhing ſuch perſons as violated them, with promptitude and rigour. Thus laws and ſubordination, as well as poliſhed manners, taking their riſe in cities, diffuſed themſelves inſenſibly through ſociety at large.

From the cloſe connection exiſting between Maſter and Servant, the mutual relation of whom

(*d*) Robertſon, 321. (*e*) Ibid. 42.

is one of the three great relations in civil life, both Maſter and Servant muſt naturally have been conſidered and included in the ſtatutes and regulations formed for general utility: what thoſe were in England is our buſineſs to ſtate, which we ſhall do in a chronological order.

1349. The great plague which happened in the reign of Edward the third, gave occaſion to the firſt ſtatute concerning labourers (*f*). By that calamity as the lower claſs (*g*) of people was diminiſhed both in London and in the country, the ſurvivors ſeeing the difficulties under which Maſters laboured through ſcarcity of workmen, and ſervants preſumed on the neceſſity of the times, and began to demand very extravagant wages; and rather than ſubmit to work upon reaſonable terms, they became vagabonds and idle beggars. In a ſubſequent ſtatute (*h*) indeed, the paucity of labourers is attributed to the great number of perſons engaged in the ſervice of the nobility. However that might be, the diminution of the people (*i*) might be one reaſon for enacting this ſtatute. During the time of the plague, labourers were ſo ſcarce, that a part of the corn was left uncut, notwithſtanding their wages were advanced, and proviſions were exceſſively cheap. It was however found neceſſary to take ſome compulſory method, in order to reduce this rank of people to ſome regularity (*k*); and therefore an ordinance was made by the king and council, to whom it was thought properly to belong, as an article of police and internal regulation, eſpecially as the parliament were prevented from ſitting by

(*f*) 23 Edward 3. c. 1. (*g*) 2 Reeves's Hiſtory of the Engliſh Law, 388.

(*h*) 25 Edward 3. ſtat. 1.

(*i*) Remarks on Commercial Policy, vol. 2. p. 51.

(*k*) Reeves, 389.

the violence of the plague: this ordinance was afterwards made an act of parliament (*l*) and conſtitutes the ſtatute of 23 Edward 3.

This act is well worthy of notice, as it was the firſt proviſion of the ſort, and laid the foundation of that ſyſtem of government, to which this part of the community were ſubjected for many years after.

In the firſt place, it was ordained that every man and woman, of whatſoever condition, free or bond, and within the age of threeſcore years, not being engaged in merchandize, and not exerciſing any craft; neither having ſubſtance of his own whereof he might live, nor land of his own where he might employ himſelf in tillage, nor being in ſervice to any one; every perſon of ſuch deſcription, if required to ſerve in a ſtation that ſuited his condition, was to be bound to ſerve him, that required him, upon the wages and terms that were uſual to be given in the place where he ſerved, in the five or ſix years preceding the twentieth year of the king; and every perſon refuſing to ſerve upon requiſition, if his refuſal were proved by two true men before the ſheriff, king's bailiffs, or the conſtables of the place, was to be taken to the next gaol, till he found ſurety for ſerving on the above terms (*m*).

Any workman or ſervant departing from his ſervice before the time agreed for, was to be impriſoned, as alſo thoſe who received or retained ſuch ſervant (*n*). All perſons paying or promiſing more wages, liveries, meade, or ſalary, or receiving or

(*l*) 2 Ric. 2 ſtat. 1. c. 8. (*m*) 23 Edw. 3. c. 1.
(*n*) Ch. 2.

demanding

demanding the ſame, were to forfeit double the ſum (*o*); and lords of towns or manors ſo paying, to forfeit treble (*p*). Moreover, Sadlers, Skinners, White Tawers, Taylors, Smiths, Carpenters, Maſons, Tilers, Shipwrights, Carters, and all other artificers and workmen, refuſing to work for the prices uſual at the above mentioned periods, were to be committed to the next gaol (*q*).

In aid of this proceſs for the regulation of the poor, it was enacted, that proviſions ſhould be ſold at a reaſonable price, having reſpect to the price they bore in the places next adjoining; and any perſon ſelling for more, was to forfeit to the party injured double the price taken. Mayors and bailiffs of cities and boroughs, and lords of manors, were to have authority to enquire into ſuch offences; and if they neglected to act, and were convicted thereof before the king's juſtices, they were to forfeit treble the price to the party injured: and to be fined to the king (*r*). Again, to prevent the poor from being encouraged to adopt an idle life, in preference to working at ſome trade, it was ordained that none, under pain of impriſonment, ſhould give to ſuch as could labour, any thing in the way of alms or charity, nor anywiſe favour them (*s*). Becauſe it was found that people would not ſue for the forfeiture againſt ſervants and workmen taking more than the above mentioned wages, it was ordained that ſuch forfeiture ſhould be aſſeſſed by the king's officers, with whom the Maſters were obliged to compound, and who

(*o*) 23 Edw. 3. c. 3. (*p*) Ch. 4. (*q*) Ch. 5.
(*r*) Ch. 6.—27 Edw. 3. c. 3. 12 Edw. 4. c. 8.
(*s*) Ch. 7—21 Jac. 1. c. 28. It is laid down in the Doctor and Student, that an act of parliament to prohibit giving alms, is void.

levied

levied very conſiderable ſums on this account, though the fines and amerciaments were granted in alleviation of ſo much of the tenths and fifteenths levied on the townſhip (*t*).

And the archbiſhops and biſhops were to cauſe the ſaid act to be publiſhed, and to command the curates and other ſubdioceſans to compel their pariſhioners to labour; and alſo their ſtipendiary prieſts of their reſpective dioceſes, who did exceſſively take, and would not ſerve for a competent ſalary, on pain of ſuſpenſion and interdiction.

Through the diminution of purchaſers occaſioned by the plague, proviſions were reduced ſo low, that the beſt fed ox was ſold for four ſhillings, the beſt cow at one ſhilling, the beſt heifer or ſteer, at ſix pence, the beſt wether at four pence, the beſt ewe at three pence, the beſt lamb at two pence, the beſt hog at five pence, and a fine horſe formerly worth forty ſhillings at ſix ſhillings and eight pence.

Beſides the other calamitous circumſtances which attend a peſtilence, it is remarked by all hiſtorians who have given an account of occurrences during the (*u*) melancholy period of deſolation and diſtreſs in this country, that the manners of the people from deſpair became abandoned beyond conception; nor was this depravity ſoon removed by the ceaſing of the diſtemper; the ſtatute therefore ſpeaks the language, and introduces regulations of ſeverity (*w*).

1350. Various means were uſed to retain the

(*t*) Ch. 8. Remarks, 52. 25 Edw. 3. ſt. 7. See page
(*u*) 1 Parliamentary Hiſtory, 334.
(*w*) Barrington, 264.

labourers

labourers in the ſervice of their Maſters, on ancient terms. In the former ſtatute, proviſion was made that the Lords ſhould be preferred to others in the choice of their labourers and land tenants, provided they retained no more than were neceſſary. This power given to the Lords, excited diſcontent in the Commons, who complained that as the Lords took advantage of the vague term in which the law was worded reſpecting the number neceſſary, and interpreted that number according to their own pleaſure, multitudes of ſervants engaged themſelves with great men at high prices, and refuſed ſerving others of inferior rank, unleſs their wages were advanced (*x*). The former act was therefore enforced, and the wages of different ſervants, not only of the labourer, but almoſt of every kind of artizan, was ſpecified. Some of the particulars are curious, and are a good ſtandard, by which to ſettle the comparative value of money, which often throws great light upon the more ancient ſtatutes (*y*).

The common day labourer in the hay harveſt was only to have one penny, or near three pence of our money per day, except a mower, who, if he worked by the acre, was to have five pence per acre, or otherwiſe five pence a day. A reaper in the time of corn harveſt two pence the firſt week in Auguſt, and three pence till the end of the month; he was likewiſe not to aſk meat, or any perquiſite or indulgence. And they were to take liveries and wages accuſtomed in the ſaid twentieth year, or four years before; and in the country, where wheat was wont to be given, they were to take for the buſhel ten pence, (or about two ſhillings and ſix pence of our money) or wheat at the will of the giver. And

(*x*) Remarks, 56. (*y*) Barrington, 265.

they

they were allowed to ſerve by the year, or by other uſual term, and not by the day. All workmen were to bring their implements openly in their hands to the merchant towns, and there be hired in a common place, and by no means in a ſecret one (*z*). This regulation, though in other reſpects diſregarded, ſeems to have been the occaſion of what is now often ſeen at STATUTE FAIRS in country towns, when labourers who either want employment, (*a*) or wiſh to change maſters, aſſemble for the purpoſe of being hired.

None were to take for the thraſhing of a quarter of wheat or rye above two pence halfpenny, and the quarter of barley, beans, peaſe, and oats, one penny halfpenny, if ſo much were uſed to be given; and in the country, where it was uſual to reap by certain ſheaves, and to threſh by certain buſhels, they were to take in ſuch manner as in the ſaid twenty year and before. None were to go out of the town where he dwelt in winter to ſerve the ſummer, if he might ſerve in the ſame town, except in the time of harveſt; ſervants were to be ſworn twice a year before the Lord of the Manor; Stewards and Conſtables of every town to obſerve theſe ordinances; and thoſe who refuſed to take ſuch oath, or perform the work for which they engaged, were to be put into the ſtocks for three days or more, or to be ſent to the next gaol till they would juſtify themſelves. And ſtocks were to be made in every town for ſuch occaſion, between the time of enacting that law and the feaſt of Pentecoſt (*b*).

As the wages of ſervants in huſbandry were ſettled by the above chapter, thoſe of Carpenters, Maſons, Tilers, and other workmen of houſes,

(*z*) 25 Edw. 3. ch. 1. 42 Edw. 3. ch. 6.
(*a*) Barrington, 265 (*b*) Ch. 2.

were

were aſcertained. —A maſter Carpenter three pence, and others two pence.—A maſter Free-maſon four pence, and other maſons three pence a day, (nine pence of our money) excluſive of the difference of the value of proviſions and other neceſſaries; and the then price of wheat being ſix ſhillings and eight pence per quarter, (twenty ſhillings of our ſilver coin per quarter) and being at leaſt thrice as cheap as in our days, and other neceſſaries near that proportion, then the ſaid maſter Maſon's four pence, was more than equal to our twelve pence a day, (*c*) and their ſervants three halfpence a day; Tilers, and other coverers of fern and ſtraw, three pence, and their Knaves (*d*) one penny halfpenny a day, without meat and drink.

All Goldſmiths, Sadlers, Horſe-ſmiths, Spurriers, Tanners, Curriers, Tawers of leather, and other workmen, artificers, and labourers, and all other ſervants, though not expreſsly named in the act, were to be ſworn to do and uſe their crafts and offices, as they uſed before the ſaid twentieth year. And power was given to the Juſtices thereto aſſigned, to lower the rate of ſuch wages at their diſcretion (*e*); and any ſervant, workman, labourer, or artificer, acting contrary to ſuch oath, was to be puniſhed with impriſonment and fine, at the diſcretion of the Juſtices (*f*).

The above officers were to be ſworn before the Juſtices to execute this ſtatute; and the Juſtices at their ſeſſions were to make enquiry therein, and

(*c*) Anderſon's Hiſtory of Commerce, vol. i. p. 330.

(*d*) Knaves.—The Saxon *knapa*, or *knafa*, ſignifies a ſervant. And the thatchers to this day have an inſtrument that holds their ſtraw, which they call a *knape*.

Burn's Obſervations on the Poor Laws, 127.

(*e*) Ch. 3. (*f*) Ch. 4.

award

award proceſs of exigent after the firſt capias againſt the offenders (*g*). Neither Sheriffs, Conſtables, nor other officers, were to take any thing for the cauſe of their office of the ſame ſervants for fees, ſuit of priſon, or of any other manner, but if they did take any thing, it was to be paid to the collectors of the tenths and fifteenths; and ceaſing the tenths, (that is in thoſe years when the tenths were not collected) then it was to be levied to the King's uſe, and anſwered by the Sheriffs of the counties (*h*). The Juſtices for the execution of this act, were to hold their ſeſſions four times a year at leaſt; that is, at the Annunciation, on Saint Margaret, Saint Michael, and Saint Nicholas' day; and alſo as often as they in their diſcretion ſhould think needful. And thoſe that ſpoke or did any thing towards the encouragement or maintenance of ſervants againſt the ſaid ordinance, were to be grievouſly puniſhed by the diſcretion of the ſame Juſtices. Servants fleeing from one county to another, becauſe of this ordinance, were to be brought back to the gaol of the county from whence they fled till the next ſeſſions (*i*).

The commiſſion to execute this ſtatute was uſually directed to the ſame perſons who had the commiſſion of the peace; the due ordering of ſuch perſons as were the objects of this ſtatute, being at this criſis one of the moſt important articles in the police of the country (*k*).

In this act, as before obſerved, the price of a buſhel of wheat was fixed at ten pence, (or about twenty ſhillings a quarter in our money, which was conſidered as its then medium price, and the three

(*g*) Ch. 5. (*h*) Ch. 6.
(*i*) Ch. 7.—2 Hen. 5. c. 4.—31 Edw. 3. c. 6. 7.
(*k*) Reeves, 391.

or

or four following reigns) and in counties where labourers were uſually paid in grain, it was left to the option of the Maſter, whether he would pay them in corn or in money. This was a reſerve ſo much in favour of the Maſter, that it neceſſarily contributed to defeat the intention of the ſtatute. The irregular price of grain enabled him to oppreſs his workmen by paying them in wheat only when it fell ſhort of the price mentioned in the act. And it was this variable price of grain and proviſions that made it almoſt impracticable to put the law in execution, and at laſt induced parliament to refer the ſettling of the wages to the Juſtices of the peace, according to the rate of proviſions (*l*). But theſe laws were made before trade was introduced into this kingdom (*m*).

It was a proof of the advances made in Manners, when the labourers and workmen became of ſo much conſequence to the legiſlature, as to require regulation of their wages. The few arts which were neceſſary to a rude and unpoliſhed people, had been for ſome ages almoſt entirely in the hands of Slaves or dependants of the nobility. The workmen now began to ſet a value on their ſkill and knowledge in their profeſſions. Almoſt every trade was conſidered as a myſtery, and the members of it formed a company or fraternity, who eſtabliſhed rules for the regulation of their reſpective crafts, and ſometimes entered into combinations for advancing their wages.

1360. The firſt inſtance of this kind is to be found among the Carpenters and Maſons; the laſt of which being extremely numerous, on account of the many public buildings then erecting, were forbidden by ſtatutes to aſſemble for the purpoſe of

(*l*) Remarks 59. (*m*) Child on Trade, Preface 10.

raiſing

raiſing their ſtipends (*n*). The wages of the mechanics in general were much higher than thoſe of the labourers in huſbandry. The advantages were ſo much greater on their ſide than thoſe offered by the farmers to their ſervants and labourers, that parents bound their children apprentices to the mechanics and manufacturers, to the great mortification of the landholders, who endeavoured in vain to reſtrain them (*o*).

The condition of labourers, and other common working people of England at this period, was of a very ſlaviſh nature; the lords of manors retaining the ſame ſort of authority over labourers and other ſervants, as many proprietors of coal works in the northern parts of this iſland retain to this day (*p*); and one great policy of managing ſervants, was to prevent their wandering from place to place, for, in order to defeat theſe acts, many of the land-tenants and labourers fled into other counties, or to the cities and boroughs; it was therefore ordained (*q*), that labourers and workmen ſhould not remove into another town or county; and if the Sheriff could not find a labourer ſo removed, the vagrant was to be outlawed, on which a writ was to iſſue to every Sheriff of England, and when he was brought back, he was nevertheleſs to be burnt in the forehead with the mark of the letter F, to denote his falſity in breaking his oath, by which he had bound himſelf according to the former ſtatute to ſerve, though this ſtigma might be diſpenſed with by the Juſtices. No labourer, ſervant, or artificer, was to take any manner of wages on the feſtival days (*r*). Further, a ſervant, labourer, or

(*n*) 34 Edw. 3. c. 9.—3 Hen. 6. c. 1.
(*o*) Remarks, 119.
(*p*) Anderſon, 364.
(*q*) 34 Edw. 3. c. 9.
(*r*) 34 Edw. 3. c. 10.

artificer,

artificer, who had abſented himſelf, might be demanded of the Mayor or Bailiffs of the place, to which he had reſorted; and if they refuſed to deliver up ſuch ſervant, they might be ſued before the Juſtices of labourers, and, if convicted, were to forfeit ten pounds to the King, and one hundred ſhillings to the party aggrieved (*s*). This was to prevent ſuch fugitives from being harboured, and to intereſt all perſons in enforcing this ſtatute. To promote the execution of theſe proviſions, it was moreover ordained,

1362—That the fines ariſing from the penalties inflicted under the ſtatutes of labourers, inſtead of going into the Exchequer in part of the King's taxes, as directed by a former Act, ſhould be diſtributed for three years among the inhabitants by the collectors, under the controul and account of the Juſtices of the peace, who were to hold their ſeſſions for putting the ſame laws into execution four times in the year (*t*).

The poor labourers at this period having little or no property, lived purely by their manual labour under the landed intereſt, both lay and eccleſiaſtical; and as this ſtate was then agreeable to the law of the land, they were obliged to be content with a lot to which they and their fathers were accuſtomed, until increaſing manufactures and commerce afterwards threw ſo much weight into the ſcale of the commonalty, as entirely and happily aboliſhed thoſe ſlaviſh cuſtoms (*u*).

All the ſtatutes of labourers were undoubtedly calculated for the benefit of the landholders, and deſigned to keep their villains and labourers in

(*s*) 34 Edw. 3. c. 11. (*t*) 36 Edw. 3. ſt. 1. c. 12. 14.
(*u*) 1 Anderſon, 364.

their antient ſtate of ſubjection. And though the workmen in almoſt every occupation were ſubject to many oppreſſions, yet their condition was preferable to the labourers in huſbandry, who had ſo long been conſidered as vaſſals, that their Maſters were generally unwilling to admit of any addition to their antient wages. It cannot therefore be thought ſtrange, that the ſons of the villains and cottagers ſhould flee to the boroughs or to any perſons that offered a proſpect of liberty, and a more profitable employment (*w*).

1363. Artificers and handicrafts people were to hold to one trade or myſtery only, which they were to chooſe and purſue under a penalty, as by common law any man might follow what trade and as many as he thought proper(*x*); but ſhort experience found ſuch reſtraint to be prejudicial, and therefore the Act which would be thought very unreaſonable in our days (*y*), and which ſeems to be calculated only for deſpotic ſtates, and muſt oftentimes be not only inconvenient, but repreſs genius and induſtry, was repealed the very next year; yet women artificers, viz. Brewers, Bakers, Carders and Spinners, makers of laces, points, fringes, and many other things of wool, linen, and ſilk, were hereby ſtill indulged in their former latitude (*z*).

In order to carry into execution theſe regulations reſpecting labourers, it was thought neceſſary from the increaſing luxury amongſt all ranks of people in England, brought on from an increaſing wealth, to eſtabliſh a kind of ſumptuary law, and appoint the diet and apparel of ſervants. And there is the leſs reaſon to be ſurprized that this authority ſhould

(*w*) Remarks 55.
(*x*) 37 Edw. 3. c. 6.—5.
(*y*) 38. Edw. 3. c. 2.
(*z*) 1 Anderſon, 348.

be

be exerciſed over the inferior ranks of people, as the gentry were at the ſame time under ſimilar reſtrictions with reſpect to their apparel and tables (*a*).

The preamble of one act ſets forth the extravagant and exceſſive apparel of ſeveral ſorts of people beyond their eſtate and degree, "to the deſtruction and impoveriſhment of all the land." Wherefore it was enacted, that men ſervants of lords, as alſo of tradeſmen and artizans, ſhall be content with one meal of fiſh or fleſh every day; and the other meals daily ſhall be of milk, cheeſe, butter, and the like. And the cloth they wear ſhall not exceed the price of two marks, or 1 *l.* 6 *s.* 8 *d.* the whole piece: neither ſhall they uſe any ornaments of gold, ſilver, ſilk, or embroidery; nor their wives and daughters any veils above the value of twelve pence (*b*).

In another of theſe acts it is limited, that artizans and yeomen ſhall not take or wear cloth of a higher price for their veſture or hoſeing, than within forty ſhillings the whole cloth (*c*) (our fineſt cloth was then worth about 6 *l.* *per* piece) nor ſtone, nor cloth of ſilk, nor of ſilver, nor girdle, knife, button, ring, garter, owche, ribbon, chains, nor any ſuch other things of gold or ſilver, nor any manner of apparel embroidered, enamelled, nor of ſilk, by any way. And that their wives, daughters, and children, wear no veils of ſilk, but only of yarn made within the realm, nor no manner of fur, nor of budge, but only lamb, coney, cattle and fox (*d*).

Carters, ploughmen, drivers of the plough, ox-

(*a*) Remarks, 61. 37 Edw. 3. c. 3, 10, 11, 12, 13. See infra.
(*b*) 37 Edw. 3. c. 8.
(*c*) See infra.
(*d*) Ch. 9.

herds, cowherds, ſhepherds, deyars (*i. e.* dairyman) and all other keepers of beaſts, threſhers of corn, and all manner of people, of the eſtate of a groom attending to huſbandry, and all other people not having forty ſhillings value in goods and chattels, were to wear no ſort of cloth but blanket, and ruſſet lawn of twelve pence, and ſhould wear girdles or belts of linen, and ſhould eat and drink ſuitable to their ſtations. And whoever uſed other apparel than was preſcribed by the above laws, was to forfeit the ſame (*e*). And victuals were to be ſold by the Londoners only (*f*).

1385. The boroughs which had been riſing into conſequence, by the improvement of commerce and manufactures, afforded an aſylum againſt the tyranny that was uſually exerciſed in their villages. By an edict of William the Firſt, theſe had enjoyed the privilege of giving freedom to ſuch villains as fled thither, and were not reclaimed by their Maſters within a year; and the immunities they offered, and the particular manufactures carried on there, were conſtant allurements to freemen and ſlaves to obtain a ſettlement and be admitted as members, and theſe circumſtances muſt have greatly contributed to the aboliſhing of villenage. After the inſurrection in the time of Richard the Second, many of the inſurgents took refuge in Boroughs, in order to elude the purſuit of their Maſters. And though an act (*g*) was made, whereby the lords were not to be forbarred of their villains, and that all manumiſſions, releaſes, and other bonds made during that time by compulſion, ſhould be void, yet it proved in a great meaſure ineffectual. For the hoſpitable reception, which, for a time, the Boroughs gave to

(*e*) Ch. 14. (*f*) 42 Edw. 3. c. 7.
(*g*) 9 Ric. 2. c. 2. 1 Ric. 2. c. 6. 5 Ric. 2. c. 7.

every

every induſtrious refugee, ſerved to add to the number of their workmen; and theſe in return gave a new and additional vigour to all the branches of commerce (*b*).

1388. It was enacted, that no artificer, ſervant, or labourer, (either man or woman) was to depart, at the end of his or her term, out of the hundred where he was dwelling, to ſerve or dwell elſewhere, or by colour go from thence in pilgrimage (*i*), unleſs he brought a letter patent under the king's ſeal (to be kept within the county, &c. for that purpoſe) containing the cauſe of his going, and the time of his return (if he ought to return). If he was found wandering without ſuch letter (unleſs he was ſent on buſineſs by his Lord or Maſter) he was to be put in the ſtocks, and kept till he found ſurety to return to his ſervice, or to ſerve or labour in the town from whence he came, till he had ſuch letter to depart for a reaſonable cauſe. But, with ſuch letter, at the end of his term, he might depart to ſerve elſewhere, ſo that he were in a certainty with whom to engage in ſervice. And if any had ſuch a letter that was forged or falſe, he was to be impriſoned for (*k*) forty days, for the falſity, and further till he had found ſurety to return and ſerve as aforeſaid. And none were to receive ſuch perſon going without a teſtimonial, nor with a teſtimonial above one night (except for ſickneſs or other reaſonable cauſe); on a pain to be limited by the Juſ-

(*b*) Remarks, 122.

(*i*) The going on pilgrimages is mentioned, more than once, in the ſtatutes of this time, as a diſſolute cuſtom in all ſorts of perſons, and was particularly ſo when made a pretence for beggars wandering about the country.—3 Reeves, 172.

(*k*) The evils experienced in this eighteenth century, from the forgery of TESTIMONIALS reſpecting characters of SERVANTS, are moſt ſerious to houſholders of credit, and claim the attention of the legiſlature.

tices. And as well artificers and people of myſtery, as ſervants and apprentices, which be of no great avoir, and of which craft or myſtery a man had no great need in harveſt time, were obliged to aſſiſt in reaping and carrying in the corn (*l*).

By the firſt act for regulating the wages of labourers, they were enjoined to take no higher wages than were uſually given in the places where they lived; in the twentieth year of Edward the Third, or five or ſix years next before, under this reign and by this ſtatute their wages were more exactly fixed.

A Bailiff in huſbandry was to receive for his annual wages 13*s.* 4*d.* (or 1*l.* 13*s.* 4*d.* of our money) and his clothing once a year, at the moſt, (his victuals and lodging are of courſe pre-ſuppoſed) the Maſter-hind, that is, the firſt ſervant, carter, and ſhepherd, ten ſhillings each; ox-herd, and cow-herd, 6*s.* 8*d.* each; ſwine-herd, woman-labourer, and deye (or dairy-maid) ſix ſhillings each; plough driver ſeven ſhillings, and every other ſervant or labourer according to his degree; and leſs in counties where leſs uſed to be given without clothing or any gratuity. To enforce this ſtatute a penalty was inflicted on the giver and taker of higher wages than were appointed; for the firſt offence they were to pay the value, the ſecond double, and the third the treble value of ſuch exceſs; and the taker for the third offence, if he had not wherewith to pay was to be impriſoned for forty days (*m*).

The land-owners laboured to retain their vaſſals in a ſtate of equal ſervitude, by debarring them from diſpoſing of their children in apprenticeſhip

(*l*) 12 Ric. 2. c. 3, 7, 8. (*m*) Ch. 4.—4 Hen. 8. c. 5.

to

to the mechanics, after the age of twelve years; after which age (in order that there might always be hands to do country work) all men and women who had been uſed to labour at the plough and cart, or other ſervice in huſbandry, were obliged to continue in that occupation, without being put to any myſtery or handicraft; and any covenant of apprenticeſhip to the contrary was void (*n*). Theſe laws are ſufficient proofs, of the ſlaviſh condition of the bulk of the common ſervants of England in thoſe times.

Though many of the tenants, by the ſmallneſs of their farms, by their poverty, and increaſe of paſturage, were become rather burthenſome than uſeful, yet the land-owners were unwilling to loſe the ſervices to which they were bound; or to reſign the juriſdiction, which they exerciſed over them according to antient cuſtom. The decay of huſbandry was pleaded as a reaſon for exerting this authority over their vaſſals: and the plea might be juſt; but it cannot be ſuppoſed, that their tenants would deſert their proper callings, unleſs they laboured under ſome great oppreſſions. And the train of ſervices to which they were ſubject, as well as the ſmallneſs of their wages, might be inducement for endeavouring to change their condition (*o*).

To prevent tumults it was ordained, that no ſervants in huſbandry, or labourer, ſhould wear any ſword, buckler, or dagger, upon pain of forfeiting the ſame, except in time of war, or when travelling with their Maſters; but "they ſhall have bows and arrows, and uſe them on Sundays and holy

(*n*) Ch. 5. 3 Reeves, 169. (*o*) Remarks, 121.

days." And to reſtrain the pernicious vice of gaming among the inferior ſort of people, ſervants and artificers were to leave all playing at tennis, or football, and all other games called coites, dice, caſting of ſtone, kailes, and other ſuch importune games: and all offenders againſt this act might be arreſted by ſheriffs, mayors, bailiffs, and conſtables, and their arms taken away: and which ſtatute was to be executed within cities and boroughs, and the Juſtices were to enquire at their ſeſſions, whether the Mayors, &c. had executed the ſame, and puniſh them in default by 100*s.* or at their diſcretion (*p*). The former part of this act was abſolutely neceſſary at that time; for there was ſo much pride amongſt the common people in vyeing with one another, in dreſs and ornaments, that it was ſcarcely poſſible to diſtinguiſh the poor from the rich, the ſervant from the Maſter, or a prieſt from another man (*q*).

1389. Upon conſideration it was thought adviſeable, not to let the rate of wages continue as fixed by the former ſtatute; which by the alteration of the prices of proviſions, might become very hard and inadequate; and therefore the Juſtices in two ſeſſions, between Eaſter and St. Michael, were to make proclamation according to the dearth of victuals, how much every Maſon, Carpenter, Tiler, and other craftſmen, workmen, and other labourers, ſhould take by the day, as well in harveſt as in other parts of the year, with or without meat and drink, between the ſaid ſeſſions, which proclamations were to be obſerved as a thing done by ſtatute: and the victuallers were to have only reaſonable gains, according to the diſcretion and limitation of the Juſtices (*r*).

(*p*) Ch. 6. 9, 10.—11 Hen. 4. c. 4.
(*q*) 1 Parl. Hiſt. 441. (*r*) 13 Ric. 2. ſt. 1. c. 8.

1391. In this year the barons petitioned the king, that no villain ſhould ſend his ſon to ſchool; which the king rejected (*s*): this deſired prohibition of educating ſons to learning, was owing to this reaſon; for fear the ſon being bred to letters might enter into orders, and ſo ſtop or divert the ſervices which he might otherwiſe do as heir to his father.

1402. No labourer was to be retained to work by the week, or take any wages on feſtival days or eves of feaſts, on which they do not labour longer than the hour of noon, but only for the half day; upon pain of forfeiting to the king the ſum of twenty ſhillings for every offence (*t*).

1405. In modern times, it would be thought ſtrange policy, that the manufacturers and mechanics in any profeſſion, whether natives or aliens, ſhould be almoſt debarred from taking apprentices, under the frivolous pretence of engaging the hands which ſhould be employed in works of huſbandry. In this inſtance public intereſt ſeemed to require, that the utmoſt liberty ſhould be allowed to the manufacturers, not only on account of enlarging the number of their workmen, and the quantity of their goods, but of encouraging the conſumption of the products of the lands. The poor too, who were burthened with numerous families, were in ſome meaſure debarred from providing for their children (*u*). Complaint being made, that notwithſtanding the ſtatute of Canterbury (*w*), yet the children of many perſons having no land or

(*s*) Barrington, 300. (*t*) 4 Hen. 4. c. 14.
(*u*) Remarks, 283.
(*w*) 12 Ric. 2. c. 5. Canterbury.—This act is always recited as being made at *Canterbury*, whereas it was made at *Cambridge*, where the parliament was this year held.

rent,

rent, were bound apprentice to crafts in cities and boroughs, " for the pride of clothing, and other evil cuſtoms, that ſervants do uſe in the ſame;" which produced a ſcarcity of labourers and ſervants. To prevent this it was enacted, that no one ſhould put their ſon or daughter apprentice to any craft or labour within a city or borough, except he had land or rent to the value of twenty ſhillings per annum at leaſt; but they ſhould be put to other labour, as their eſtates required, on pain of one year's impriſonment. Any perſon willing to make his child apprentice, was to bring to the Mayor or bailiff of the place, a bill ſealed by two Juſtices of the peace, teſtifying the value of the parent's lands. Any perſon taking an apprentice contrary to this act, was to forfeit one hundred ſhillings, to be recovered by complaint to the Juſtices of the peace. They were however allowed to put their ſon or daughter to ſchool. All labourers and artificers were annually to be ſworn at the leet, to obſerve the ſtatutes relating to their wages and ſervice; and if they refuſed, they were to be put in the ſtocks for three days. To facilitate this it was provided, that every town or ſeignory not having ſtocks, were to be fined an hundred ſhillings (*x*).

The reaſon of aſcertaining the parent's proporty, before the ſon could be apprenticed, ſeems to be this; if the parents were of competent livelihood, the maſters were better ſecured, and the apprentices had better means to ſet up their trades afterwards. But in the reign of Henry the VIth (*y*), the citizens of London, from their entire affections and kindneſs ſhewn and done to the king, were permitted to take apprentices having nothing:

(*x*) 7 Hen. 4. c. 17—3 Reeves, 223.
(*y*) 8 Hen. 6. c. 11.

Norwich

Norwich alſo obtained an exemption from the law commonly in force; and afterwards the whole county of Norfolk (*z*).

1414. The ſtatute of labourers made at *Cambridge*, and all other good ſtatutes of labourers made, were to be firmly holden, kept, and put in due execution: the reaſon of which is ſaid to be, that the ſervants and labourers fled from county to county, becauſe they would not be juſtified by the ordinance and ſtatutes by the law for them made, to the great damage of gentlemen and others, to whom they ſhould ſerve, becauſe that the ſaid ordinances and ſtatutes for them ordained, were not executed in every county: the Juſtices of peace were to ſend their writs for ſuch fugitive labourers to every ſheriff of the realm, and to make ſuch proceſs as is before directed: the ſtatutes and ordinances of labourers were to be exemplified under the great ſeal, and ſent to every ſheriff of the realm to be proclaimed. And the Juſtices of the peace had power to examine all labourers, Maſters and artificers, and to puniſh them upon their confeſſion, the ſame as if they were convicted by inqueſt (*a*).

1416. It was ordained, and the law was to be in force for two years, that the penalty relating to the wages ſhould be inflicted on the taker only. And though this ſcheme, like every other of the kind, failed in producing the deſired effect, yet it enabled the Maſters ſome time longer to tyrannize over their workmen and labourers (*b*).

(*z*) 11 Hen. 7. c. 11 — 12 Hen. 7. c. 1.—19 Hen. 7. c. 17.
(*a*) 2 Hen. 5. c. 4. 2. Hen. 6. c. 14.
(*b*) 4 Hen. 5. c. 4. Remarks 58.

1424. The yearly congregations and confederacies of Maſons in their general chapters and aſſemblies, in modern times, called free Maſons lodges, were prohibited, under the pain of felony in the promoters, and of fine and impriſonment on all ſuch found in thoſe aſſemblies. And the reaſon aſſigned for this ſeeming ſeverity was, "That the good cauſe and effect of the ſtatutes of labourers were openly violated, to the great damage of all the commons." Thus we ſee free-maſonry is of no ſmall antiquity in England (*c*).

1427. The Juſtices of the peace were to make proclamation in their full ſeſſions once a year, how much every ſervant in huſbandry was to take for his ſervice by the year, and in boroughs and market towns, how much every artificer and workman was to take by the day or week, with or without meat and drink, as well in Auguſt as other times of the year: thoſe retained by the week in huſbandry were to take nothing for feſtival days, nor for the half days of the evens of ſuch feaſts: every ſuch proclamation was to be holden as a thing done by ſtatute. And if any ſervant, artificer, or workman, did contrary thereto, he was to forfeit to the king the value of the wages, or be impriſoned forty days: the Juſtices were to examine and determine all diſputes between maſters and ſervants; and if they found that the ſervants acted contrary to ſuch proclamation, they were to award double damages to the party grieved. And if any of them departed out of the county, the Juſtices were to ſend their writs to the ſheriffs, and when the ſervant was brought before them, he was to be

(*c*) 3 Hen. 6. c. 1.—1 Anderſon 440.—But this was when the nature and ſecrets of maſonry were known only to few; they are now known to many thouſands, who are members of the ſociety, and diſperſed all over the chriſtian world.

ſent

ſent to priſon, till he found ſecurity to ſerve his Maſter. This act was to endure till the next parliament, when it was enacted, that it ſhould be put in execution till the king had otherwiſe declared his will in plain parliament (*d*).

1444. Every ſervant purpoſing to depart from his Maſter, was to give warning half a year before, ſo that his maſter might provide another, or elſe he was obliged to ſerve a year longer. The wages were alſo advanced; the annual ſalary of the bailiff in huſbandry was ſettled at 23 *s.* 4 *d.* (diet ſtill ſuppoſed) and his clothing at five ſhillings; chief hind, carter, and ſhepherd twenty ſhillings, and their clothing four ſhillings each; a common ſervant in huſbandry fifteen ſhillings, and his clothing forty pence; a woman ſervant ten ſhillings, and her clothing four ſhillings; and a child under fourteen years of age ſix ſhillings, and her clothing three ſhillings; the ſervants of hoſtlers, (i. e. innkeepers, victuallers, and artificers, at the ſame rates) with meat and drink allowed to each ſervant; and that ſuch as deſerved leſs, were to take leſs, and where leſs had been uſed to be given, leſs was to be given. Every other labourer by the day two pence, and without meat and drink three pence. From the feaſt of Saint Michael to Eaſter, the days being then ſhorter, the labourer by the day was to be paid one penny, and without meat and drink three pence; and he that deſerved leſs was to take leſs. In harveſt time the wages of a mower were not to exceed four pence by the day, and without meat and drink ſix pence. A reaper or carter three pence, and without meat and drink five pence. A woman labourer, and other labourers in the time of harveſt, two pence, and

(*d*) 6 Hen. 6 c. 3. 8 Hen. 6. c. 8.

without

without meat and drink four pence; and ſuch as were worthy of leſs were to take leſs. No labourer was to be paid on a holiday, but after the rate of the time of the day in which he laboured. A Maſter tiler, rough Maſon, &c. with diet three pence, without diet four pence halfpenny or nine pence of our money. A woman labourer two pence halfpenny, and diet, and without diet four pence halfpenny. And if any perſon refuſed to ſerve according to the act, he was to be committed till he found ſurety to ſerve, and was to loſe to the party that would ſue twenty ſhillings. And the Juſtices had power to take all ſervants, retained by any perſon under colour of huſbandry, and not occupied about the ſame, to ſuch as ſhould require their ſervice (*e*).

1463. The exceſſive vanity uſed in dreſs or apparel, notwithſtanding the deſtruction and miſery the civil wars had occaſioned, was grown to a great height. It was therefore ordained, that no ſervant, labourer, or artificer, ſhould wear any cloth above two ſhillings the yard; nor ſuffer their wives to wear any coverchieffs, whereof the plite (*f*) ſhall paſs twelve pence, nor any girdle garniſhed with ſilver: and tranſgreſſing in any of theſe particulars is expreſſed to be, to the great diſpleaſure of Almighty God (*g*).

1477. It having been ordained, that no perſons ſhould uſe any unlawful games, but that every perſon ſtrong and able ſhould uſe his bow; contrary to which law (ſays the act) many new imagined games were daily uſed, as well by perſons of good reputation, as of ſmall behaviour, it was ordained

(*e*) 23 Hen. 6. c. 12. (*f*) See infra.
(*g*) 3 Edw. 4. c. 5.

that

that none ſhould uſe any of the games called cloſh, kailes, half bowl, hand in and hand out, and quek-board, on pain of ten pounds, and two years impriſonment. Nor ſuffer the ſame in his houſe, garden, or other place, on pain of 20*l.* and impriſonment for three years. This is perhaps the moſt ſevere law which was ever made in any country againſt gaming (*b*).

1482. A ſumptuary law was made relating to the apparel of laymen, directing what kind may be worn, and what kind prohibited by every various degree or rank of perſons; and that none, under the eſtate of a lord, excepting certain perſons particularly named, ſhall wear any gown or mantle, unleſs it be of ſuch length, that, he being, or ſtanding upright, it ſhould cover his buttocks (*i*).

1494. In order further to ſtop gaming among the inferior ſort of people, it was enacted, that no apprentice, ſervant, labourer, or artificer, was to play at tables, but only for meat and drink; nor at tennis, claſh, dice, cards, bowls, or at any other unlawful game, out of Chriſtmaſs, and in Chriſtmaſs, only in the dwellinghouſe of his Maſter, or where his Maſter was preſent; on pain of being ſet in the ſtocks for one day (*k*).

Various attempts were made to aſcertain the wages of artificers, ſervants, and labourers in huſbandry, and to fix the hours of working in different ſeaſons of the year: the like rate of wages is in this year repeated, with a little advance only to the artificers, who were not to depart before their work was finiſhed, on pain of impriſonment for a month,

(*b*) 17 Edw. 4. c. 3. (*i*) 22 Edw. 4. c. 1.
(*k*) 11 Hen. 7. c. 2. 19 Hen. 7. c. 12.

and forfeiture of twenty ſhillings (unleſs it be for the king's ſervice). And every artificer and labourer, between the middle of March, and the middle of September, was to be at work before five in the morning, and continue till after ſeven at night; and be allowed half an hour for breakfaſt; and an hour and an half for dinner, in ſleeping time; out of ſleeping time one hour for his dinner, and half an hour for his noon meat. From the middle of September to the middle of March, he was to work from the ſpring of the day until night. The ſeaſon for ſleeping was from the middle of May to the middle of Auguſt (*l*).

1496. If theſe ſtatutes ſhould be thought of uſe in confining labourers to their work a determinate time, and aſcertaining what the Servant and Maſter might demand of each other, they were not of equal ſervice in exciting emulation and induſtry. As the workmen were placed on the ſame level, by the equality of wages, the ſlothful and induſtrious were confounded together, and ſlender encouragement given to excel each other in application and diligence. The artificers would not ſubmit to the regulation; an act was therefore made to indemnify the Maſters for giving higher wages than were appointed by the ſtatute (*m*).

1509. If it ſhould be thought practicable to ſettle the wages of workmen, it may be juſtly conſidered as a more difficult taſk to limit the expence of dreſs and apparel, and confine every one according to his rank and condition to the wear of particular cloths; and yet this was again attempted, for no ſerving man under the degree of a gentleman, was to wear any gown or coat, or ſuch like apparel,

(*l*) Ch. 22. (*m*) 12 Hen. 7. c. 3. Remarks 293.

of

of more cloth than two broad yards and an half in a ſhort gown, and three broad yards in a long gown. And no ſerving-man, waiting upon his maſter under the degree of a gentleman, was to uſe any garded hoſe, or any cloth in his hoſe above twenty pence the yard. And no man under the degree of a knight, was to wear any garded or pinched partlett of linen-cloth And no ſervant of huſbandry, ſhepherd, or labourer, was to wear any hoſe, the price of the cloth whereof paſſeth ten pence a yard (*n*). And again, in 1514, it was enacted, that no man under the degree of a knight, except ſpiritual men, ſerjeants at law, or graduates in the univerſities, ſhould uſe more cloth in a long gown, than four broad yards, and in a riding-gown or coat above three yards. And no man under the degree of a knight, ſhall uſe any chain of gold, or collar of gold, any gold about his neck, or bracelets of gold. And no man, under the degree of a gentleman, ſhall wear any ſilk points, or any points in his apparel, no aglets of gold, or ſilver, or button or broches of gold or ſilver. And no man under the degree of a knight, ſhall wear any garded or pinched ſhirt, or pinched partlett of linen cloth, or plain ſhirt garniſhed, or made with ſilk, or gold, or ſilver (*o*); and in the next year there are the like regulations, with ſome ſmall variation (*p*).

1529. If any ſervant to whom any goods ſhall by his Maſter or Miſtreſs be delivered to be kept, ſhall go away therewith, with an intent to ſteal the ſame; or, being in his Maſter's or Miſtreſs's ſervice, without his or her aſſent, ſhall embezzle or otherwiſe convert the ſame to his own uſe, with like intent to ſteal it, if the ſame be of the value of forty ſhillings or above, he ſhall be guilty of felony; but

(*n*) 1 Hen. 8. c. 14.
(*o*) 6 Hen. 8. c. 1.
(*p*) 7 Hen. 8. c. 6.

this Act not to extend to any apprentice, or any perſon within the age of eighteen years (*q*). And an Act of Henry the Sixth, ſtill in exiſtence, inflicts an attaint of felony on the ſervant's default of appearance to anſwer to the Maſter's executors in a civil ſuit (*r*).

1532. For the better repreſſing the inordinate exceſs of apparel by ſome moderation, and for a reaſonable order like to be obſerved and performed in the wearing thereof, it was enacted, that no man not having forty pounds a year, ſhall wear any chain of gold of leſs weight than ten ounces of Troy weight of fine gold. And no ſerving-man, or other under forty ſhillings a year, ſhall wear any ſhirt, or ſhirt-band, under or upper-cap, coif, bonnet, or hat, garniſhed or wrought with ſilk, gold, or ſilver. Nevertheleſs it ſhall be lawful for him to wear a ſilk ribband for his bonnet, and alſo the cognizance or badge of his Lord or Maſter, and a horn tipped or ſlewed with ſilver gilt or ungilt. Alſo they may wear on their bonnets all ſuch games of ſilver gilt or ungilt, as they may win by wreſtling, ſhooting, running, leaping, or caſting of the bar. And alſo Maſters of ſhips, or Mariners, may wear whiſtles of ſilver with the chain of ſilver to hang the ſame upon. And no ſerving-man, nor other yeoman taking wages, ſhall wear any cloth in his hoſe above the price of ſixteen pence the yard, nor any cloth in his garment above two ſhillings and eight pence the broad yard, except his Maſter's livery, on pain of forfeiting the ſame, and the ſum of three ſhillings and four pence a day that he ſhall wear the ſame contrary to the Act (*s*).

(*q*) 21 Hen. 8. c. 7. 27 Hen. 8. c. 17. 28 Hen. 8. c. 2. 1 Edw. 6. c. 12. 1 M. Seſſ. 1. c. 1. 5 Eliz. c. 10.
(*r*) 33 Hen. 6. c. 1. Eden's Penal Laws, page 280.
(*s*) 24 Hen. 8. c. 13.

1535.

1535. In "An Act for the Relief of the Poor," it is enacted, That ſervants departing from their ſervice by licenſe, will, death, or excluſion of their Maſter, or in caſe of his death, other ſufficient teſtimony, ſhould not be taken as vagabonds, for one month after (*t*), nor then, if they have entered into ſervice, or be otherwiſe in labour. But all idle perſons, ruffiers, calling themſelves ſerving-men, having no Maſters, were to be ordered to all intents as ſturdy vagabonds. And no apprentice, nor ſervant, artificer, was to play at tables, nor at tennis, cloſh, dice, cards, bowls, or other unlawful games, out of the twelve days of Chriſtmas, and then only in their Maſter's houſe, or where he abideth, on pain of being put in the ſtocks for one day. And no perſon was to keep any open playing-houſe, or place for common bowling, dicing, carding, cloſh, tennis, or other unlawful game, taking money for the ſame, on pain of five marks a month (*u*).

1547. In this year we have a ſtatute, which carries ſo many marks of the antient bondage of the lower claſs of people of England, that it is no wonder it was ſoon after repealed, as improper for a free and commercial people, (and by which it appears, that the term Slave was not unknown in our law, as the expreſſion is repeated ſix times, beſides thrice more in clauſes, needleſs to be here tranſcribed, and which was before we had any colonies in America.) It enacts, that a runagate ſervant, or any other who liveth idly and loiteringly by the ſpace of three days, being brought before

(*t*) This is extended by 14 Eliz. c. 5. to ſix months to any ſerving-man of honeſt behaviour, turned away from his Maſter, or whoſe Maſter is dead, ſo as he hath a teſtimonial from his Maſter, declaring ſuch turning away, or from two Juſtices, declaring ſuch death.

(*u*) 27 Hen. 8. c. 25. 31 Hen. 8. c. 7.

two Juſtices of the peace, they ſhall cauſe to be marked with an hot iron on the breaſt, with the mark V, and adjudge him to be the Slave of him who brought him for two years after, who ſhall take the ſaid Slave, and give him bread, water, or ſmall drink, and refuſe meat, and cauſe him to work, by beating, chaining, or otherwiſe, in ſuch work and labour as he ſhall be put to, be it ever ſo vile. And if ſuch Slave abſent himſelf from his ſaid Maſter within the ſaid term of two years by the ſpace of fourteen days, then he ſhall be marked on the forehead, or the ball of the cheek, with an hot iron, with the ſign of an S, and further ſhall be adjudged to be Slave to his ſaid Maſter for ever. And if the ſaid Slave run away a ſecond time, he ſhall be adjudged a felon, and ſuffer pains of death, as other felons ought to do.—It ſhall be lawful for every perſon to whom any ſhall be adjudged a Slave, to put a ring of iron about his neck, arm, or leg (*w*); and if any perſon ſhall help him to take it off, he ſhall forfeit ten pounds, and he may be ſold or deviſed by will, as other goods and chattels. It cannot be thought that a parliament which could paſs ſo unjuſt a law, deſerved in any reſpect the appellation of the *good parliament*, which we are informed it had obtained (*x*).

1548.

(*w*) 2 Anderſon, 80. 1 Edw. 6. c. 3.

(*x*) Barrington, 313. When we read, that in the unhappy reign of King Ethelred, and even in that of Canute the Great, there was ſo barbarous a practice as Engliſh people's ſelling their own children and kindred into foreign parts, with as little concern as they did their cattle, who can forbear lamenting the ignorant and wretched ſtate of ſuch a country; more eſpecially as it at that time profeſſed the Chriſtian religion.—1 Anderſon, 99. And it appears, that about the time of the Norman conqueſt, the Iriſh were ſupplied with a great number of Slaves from England. 1 Remarks, 153.—There muſt ſurely have been a great redundancy of people, and at the ſame time a great want of em-

1548. A very neceſſary ſtatute was made for reſtraining the ſellers of all manner of proviſions in England from combining together not to ſell but at a fixed price, and alſo for reſtraining workmen and labourers not to make or do their works but at a certain fixed price, or to do but a certain work in a day, or not to work but at certain hours, every perſon ſo conſpiring or offending, was to forfeit for the firſt offence ten pounds, to be paid in ſix days, or be impriſoned twenty days, and have only bread and water for his ſuſtenance; and for the ſecond offence to forfeit twenty pounds in like manner, or ſuffer puniſhment of the pillory; and for the third offence to forfeit forty pounds in like manner, or elſe ſhall ſit on the pillory and loſe one of his ears, and alſo at all times after be taken as a man infamous, and his ſaying, depoſitions, or oath not to be credited at any time, in any manner of judgment (*y*). In the ſame manner, by a conſtitution of the emperor Zeno, all monopolies and combinations to keep up the price of merchandize, proviſions, or workmanſhip, were prohibited, upon pain of forfeiture of goods and perpetual baniſhment (*z*).

A clauſe wiſely intended, was added to this laſt act, licenſing all manner of workmen relating to building of houſes, &c. to follow their occupations in all cities and towns corporate, although they did not live therein, nor were free of ſuch corporation. But this wiſe clauſe was repealed plainly (as ap-

employment for them, or ſuch an inhuman practice would never have been permitted. This ſhews the infinite advantage of commerce, manufactures, fiſheries, and navigation to a nation, by which all their poor may be employed, not only for the benefit of their parents and families, but for the wealth and ſtrength of the community.

(*y*) 2 and 3 Edw. 6. c. 15. (*z*) 4 Blac. Com. 159.

pears) by the interpoſition of the city of London: and although the reaſons for this repeal are expreſſed only in reſpect to London, yet the repeal, being general, took in all other corporation cities and towns; and ſo it remains to our own times, contrary to the opinion of moſt wiſe and judicious men (*a*), who wiſh well to the freedom of commerce; though, it is to be feared, too deeply rooted to be cured without great difficulty.

1549. A law was made this year, againſt Vagabonds, by which the former ſtatute of the preſent reign was repealed, and an act made in the late reign put in force. And by this preſent Act it was ordained, that common labourers of huſbandry able in body, uſing, loitering, and refuſing to work for reaſonable wages, ſhall be puniſhed as ſtrong and mighty vagabonds. And all journeymen in arts, myſteries, and occupations, and artificers and ſervants of huſbandry, and ſervants and labourers uſing to labour in barges, commonly called Weſtern Barges, who are not, nor have been married, ſhall ſerve by the whole year, and not go by the day-wages, upon pain of ſuch puniſhment as is contained in the ſtatutes againſt labourers, and that all ſuch ſervants ſhall give their Maſters a quarter's warning, againſt his or their departure out of ſervice, upon the like pain in the ſaid ſtatutes: and any perſon might take a beggar's child, above the age of five and under fourteen, to be brought up in any honeſt labour and occupation, till ſuch woman child come to the age of fifteen years or be married, and ſuch manchild to the age of eighteen, if the maſter ſo long live (*b*).

1552.

(*a*) 2 Anderſon, 86. 3 & 4 Edw. 6. c. 20.

(*b*) 3 & 4 Edw. 6. c. 16. 22.—There had been at this time great clamours about Incloſures then lately made out of the Waſte,

1552. By the former acts, labourers and ſervants were reſtrained from working on feſtival or holy-days, but by a proviſo in an act of this year for the obſervation of holydays, it is provided that huſbandmen, labourers, fiſhermen, and other perſons might, if need ſo required, work on thoſe days either in or out of harveſt. But, in this and all ſuch acts, the people were ready enough to lay hold on any relaxation made by it, but did very ſlightly obſerve the ſtricter parts. So that the liberty left to tradeſmen, to work in caſes of neceſſity, was carried further than it was intended, to a too public profanation of the time ſo ſanctified; and the other part, directing the people to a conſcientious obſervance of ſuch times, was little minded (*c*).

1554. A ſumptuary law was made for reſtraining the extravagance and vanity of the lower claſs of people, and ſervants in England, and alſo for encouraging our own woollen, &c. manufacture; viz. that whoſoever ſhall wear any ſilk, in or upon

Waſte, which might be the occaſion of this and ſome other acts. It then being the prevailing idea, that Incloſures cauſed a depopulation in the country, the legiſlature ſeems willing to counterbalance that idea, by giving ſome indulgence to married ſervants and labourers, as was likewiſe the caſe three years afterwards to married tradeſmen. 5 & 6 Edw. 6. c. 14. Our poor have indeed ſome indulgence in the Militia law, whereby any poor man who has three children born in wedlock is exempted ſerving; 2 Geo. 3. c. 20. But the inſtitution in France, in this reſpect, ſeems more conſiſtent with ſound policy, as tending to encourage population, viz. that all married men ſhall be exempted from ſerving in the militia.—Burn's Juſtice, 13 Edit. vol. iii. page 157. It is humbly apprehended that a ſimilar extenſion of the above clauſe, to all our married poor who do not pay ſcot and lot, would have very great and ſalutary effect on the police, by taking off that ſuperfluity of young women who reſort to London in hopes of ſervices.

(*c*) 5 & 6 Edw. 6. c. 3. 3 Parl. Hiſt. 255.—Burnet.

his hat, bonnet, girdle, ſcabbard, hoſe, ſhoes, or ſpur leather, ſhall be impriſoned for three months, and forfeit ten pounds, excepting magiſtrates and perſons of higher rank. And if any perſon knowing his ſervant to offend againſt this law, do not put him forth of his ſervice within fourteen days, or ſhall retain him again, he ſhall forfeit 100*l.* (*d*) This ſtatute was repealed (*e*); ſuch ſumptuary or reſtrictive laws being generally found to be cramps upon induſtry, and deſtructive of the freedom of commerce (*f*).

1562. By an act of Elizabeth in this year, part of which is ſtill in force, and which brought together all the former ſtatutes, it is recited in the preamble as follows; "That although there remain and ſtand in force preſently, a great number of acts and ſtatutes concerning the retaining, departing, wages, and orders of apprentices, ſervants, and labourers, as well in huſbandry, as in divers other arts, myſteries, and occupations, yet partly from the imperfection and contrariety that is found, and doth appear in ſundry of the ſaid laws, and for the variety and number of them, and chiefly for that the wages and allowances limited and rated in many of the ſaid ſtatutes, are in divers places too ſmall, and not anſwerable to this time, reſpecting the advancement of prices of all things belonging to the ſaid ſervants and labourers; the ſaid laws cannot conveniently without great grief and burthen of the poor labourers and hired men, be put in good and due execution: and as the ſaid ſeveral acts and ſtatutes were, at the time of making of them, thought to be very good and beneficial for the commonwealth of the realm, (as divers of them yet are);

(*d*) 1 & 2 P. & M. c. 2. (*e*) 1 Jac. 1. c. 25.
(*f*) 2 Anderſon, 98.

ſo

ſo if the ſubſtance of as many of the ſaid laws as are meet to be continued, ſhall be digeſted and reduced into one ſole law and ſtatute, and in the ſame uniform order preſcribed and limited concerning the wages and other orders for apprentices, ſervants, and labourers, there is good hope that it will come to paſs, that the ſame law (being duly executed) ſhould baniſh idleneſs, advance huſbandry, and yield unto the hired perſon both in time of ſcarcity, and in the time of plenty, a convenient proportion of wages."

It enacts, " that no perſon ſhall be retained in any of the trades (*g*) therein named, for a leſs term than one year; and every perſon unmarried, and every married perſon being under the age of thirty years, and having been brought up to any of the ſaid trades, ſhall during the time he ſhall be ſo unmarried, or under the ſaid age of thirty years, be compelled to ſerve—no perſon is to put away ſuch ſervant, or ſuch ſervant depart his ſervice before the

(*g*) The trades mentioned in this Act are as follow, being every trade then uſed:

Arrow Head-makers
Bakers
Bowyers
Brewers
Bricklayer
Brick-maker
Burners of Lime
——— of Oar and Wood-aſhes
Butchers
Cappers
Carpenters
Clothiers
Cloth-maker
——— worker
Cooks
Coopers
Curriers
Cutlers
Drapers
Dyers
Earthen Potter
Farriers
Felt-makers
Fletchers
Fullers
Glovers
Goldſmiths
Hat-makers
Heliers
Hoſiers
Imbroiderers
Ironmongers
Lime-burners

Linen-

the end of his term, without a quarter's warning, unleſs for reaſonable cauſe, to be determined by a Magiſtrate;—every perſon within the age of twelve and ſixty years, not being an apprentice, nor having lands of the yearly value of forty ſhillings (*b*), or worth in goods ten pounds, or whoſe anceſtor to whom he is heir apparent having lands of ten pounds, or goods of forty pounds, and women of twelve and under forty years of age and unmarried, may be compelled to ſerve in huſbandry.

None are to depart out of the pariſh wherein they ſerved to ſerve in another pariſh, without a teſtimonial under the ſeal of the city, &c. or of the conſtable or other head officer, and two houſeholders of the pariſh wherein he laſt ſerved, which teſtimonial ſhall be in this form.

Memorandum, That A. B. late ſervant to C. D. of E. huſbandman, [or, *taylor, &c.*] *in the ſaid county, is licenſed to depart from his ſaid maſter, and is at liberty to ſerve elſewhere, according to the ſtatute in that caſe made and provided. In witneſs whereof,* &c. Dated the day, month, year, and place, &c. of the making thereof:

Linen-weavers
Maſons (rough)
Mercers
Merchants
Millers
Millwrights
Pewterers
Plaiſterers
Plough-wrights
Potters (earthen)
Sadlers
Sawyers
Sheermen
Shinglers
Shoe-makers
Slaters
Smiths
Spurriers
Tanners
Taylors
Thatchers
Tiler—Tile-maker
Tuckers—Turners
Weaver (linen)
Wheel-wright
Woollencloth-weaver

(*b*) An eſtate of forty ſhillings *per* annum then, was equal to more than ten pounds a year now.

Which

Which ſhall be delivered to the ſaid ſervant, and alſo regiſtered by the Miniſter of the pariſh where the maſter dwells, taking two pence for the ſame; any perſon departing out of ſuch ſervice and retained in another, without ſhewing ſuch teſtimonial to the chief officer of the place, is to be impriſoned till he can procure one; which if he cannot do in twenty-one days, or ſhall be taken with a counterfeit teſtimonial, he ſhall be whipped and uſed as a vagabond; and every perſon retaining ſuch ſervant without a teſtimonial, is to forfeit five pounds, half to the king, and half to him that will ſue in the ſeſſions, or other court of record. All artificers and labourers, betwixt the midſt of the month of March, and the midſt of the month of September, are to be and continue at their work, from five in the morning till after ſeven at night, except in the time of breakfaſt, dinner, or drinking, which is not to exceed two hours and an half in a day, that is to ſay, at every drinking one half hour, dinner one hour, and for his ſleep when he is allowed to ſleep, that is from the midſt of May to the midſt of Auguſt, half an hour at the moſt, and at every breaſtfaſt half an hour. And between the midſt of September to the midſt of March, ſhall be and continue at their work, from the ſpring of the day in the morning until night, except it be in the time before appointed for breakfaſt and dinner, on pain to forfeit one penny for every hour's abſence, to be deducted out of their wages, to be aſſeſſed by the Juſtices yearly in Eaſter ſeſſions, or within ſix weeks after, having reſpect to the plenty or ſcarcity of the time, on pain of ten pounds on each Juſtice abſent at ſuch aſſeſſment, which is to be proclaimed; and any maſter giving more than what is allowed, is to be impriſoned for ten days, and forfeit five pounds, and the taker for twenty-one days, without bail to either of them;—and every retainer, promiſe, or payment of

wages

wages contrary thereto is void. A ſervant or labourer wilfully and maliciouſly making an aſſault on his maſter or miſtreſs, or his overſeers, to be impriſoned for one year or leſs, and ſuch other puniſhment as the Juſtices think proper;—artificers to be compelled to work, on requeſt to the Juſtices, in mowing, reaping, ſhearing, getting or inning of corn, grain and hay, on pain of impriſonment in the ſtocks two days and one night;—perſons who have been accuſtomed to go into other ſhires for harveſt work, and at that time being unemployed, bringing a teſtimonial, may go to any other place for that purpoſe. This act is not to extend to London or Norwich;—the Juſtices to be allowed for every day they ſit about the execution thereof (not exceeding three days at a time) five ſhillings each, out of the forfeitures due to the king (*i*).

Large and comprehenſive as this act is, yet there are ſeveral ſubſequent ſtatutes both in this and ſucceeding reigns, for the regulating of diſputes between Maſters and their ſervants (*k*).

1570. The cappers, or knitcap-makers of England, obſerving the great increaſe of the wear of hats made of felt, had, before this time, obtained an act of parliament, for preventing any foreign materials from being worked up into hats (*l*). But that not anſwering fully, they now obtained a ſecond law, purporting that every perſon of each ſex, above ſeven years of age, ſhould wear upon their head on Sundays and holydays, a cap of wool, knit, made, thicked, and dreſſed in England, and dreſſed only and finiſhed by ſome of the trade of cappers, (many thouſands of whom, ſays this preſent act, had

(*i*) 5 Eliz. c. 4. (*k*) 2 Anderſon, 119.
(*l*) 8 Eliz. c. 11. 1 Jac. 1. c. 17.

been

been heretofore thereby maintained) on the forfeiture of 3*s.* 4*d.* for every day ſo neglected to be worn; excepting however, out of this act, maids, ladies, and gentlewomen, and every lord, knight, and gentleman, of twenty marks a year in land, and their heirs; and alſo ſuch as have borne office of worſhip in any city, borough, town, hamlet, or ſhire, and alſo the wardens of the worſhipful companies of the city of London; the parents and Maſters were to pay the penalty for the children and ſervants under twenty-one years of age (*m*). Nevertheleſs, the faſhion of felt hats prevailing ſo ſtrongly, as the very penning of the act ſeemed to portend it would, as well by reaſon of their ſuperior ſtrength, lightneſs, and beauty, as alſo of their being much better adapted to ſcreen from and keep out ſun and rain, the knit-caps are long ſince laid aſide, and are only to be ſeen in ſome of the pooreſt and more remote parts of the kingdom (*n*); the form of which cap may be ſeen in ſome of the pictures of thoſe days.

1604. The act of the 5th of Eliz. not having been put in due execution, and the wages of labourers and artificers not having been rated according to the plenty, ſcarcity, neceſſity, and reſpect of the time, as (the act ſays) was politicly intended, by a neglect which ſeems to have been occaſioned by ſome doubts raiſed in *Weſtminſter Hall*, concerning the perſons who were the ſubjects of this law; for clearing therefore any ſuch doubt, it is enacted that the Juſtices may rate all wages of any labourers, weavers, ſpinſters, and workmen, or workwomen whatſoever, either working by the day, week, month, or year, or taking any work by the great or otherwiſe; and proclamation

(*m*) 13 Eliz. c. 19. 39 Eliz. c. 18. (*n*) 2 Anderſon, 135.

was

was to be made of the ſaid wages by the ſheriff, which was to be obſerved by all perſons giving or receiving the ſame, upon the pains and puniſhments mentioned in the ſaid act. And if any clothier or any other, ſhall refuſe to obey the ſaid order, he ſhall forfeit to the party grieved ten ſhillings (*o*).

1634. In purſuance to an order of the Star-chamber in this year, it was now provided, that braſs farthings ſhould not be forced upon labourers in payment, they having formerly been compelled to take all or moſt of their wages in ſuch farthings, from deſigning men, who had bought up great quantities of them at a low rate or diſcount (*p*). The practice of buying counterfeit money to pay labourers, we fear is ſtill too much practiſed in ſome parts of the country.

1637. In the liſt or catalogue of offices filled up in England, for this year, we meet with the following:

"The king granteth to John Innys, the office of Intelligence, and of entering the names of all Maſters, Miſtreſſes, and ſervants, and of things loſt and found, &c. within the cities of London and Weſtminſter, and three miles diſtant, for forty-one years." (*q*)—As to the firſt part of this grant, we ſhall have occaſion to ſay ſomething of hereafter; but as to the latter, we only remind our readers of the traffic carried on by Jonathan Wild.

1647. By an ordinance of parliament, during the time of Cromwell's uſurpation, in this year, chapters 81 and 83, all feſtival days are aboliſhed, and ſcholars, apprentices, and other ſervants, are to be allow-

(*o*) 1 Jac. 1. c. 6. (*p*) 2 Anderſon, 376. 12 Geo. 1. c. 34. (*q*) 20 Rymer's Fœdera, 201.

ed every ſecond Tueſday in each month throughout the year, for relaxation and recreation from their conſtant and ordinary labours, as formerly they uſed to have on feſtivals, commonly called holydays; and all windows of ſhops, warehouſes, and other places, are to be ſhut on ſuch days, from eight o'clock in the morning to eight o'clock in the evening, and if ſuch days happen on market days, fair days, or other extraordinary occaſion, the maſter is to allow one other day inſtead thereof. If ſuch ſervant riotouſly ſpend or abuſe the ſaid holyday, either to his own hurt or damage of his Maſter, ſuch Maſter might detain and withhold ſuch apprentice or ſervant from their recreation on ſuch allowed days. If they cauſe any riotous or tumultuous aſſembly, to the diſturbance of the peace on ſuch days, and being thereof convicted, the Juſtices may inflict at their diſcretion any corporal puniſhment, by impriſonment or otherwiſe, ſo as the impriſonment do not exceed three days. The conſtables are to ſearch all taverns, alehouſes, and gaming houſes for ſuch apprentices and ſervants, and if found therein after eight of the clock in the evening, or being drunk or diſorderly, or ſhall remain there after that hour, he ſhall be brought before a Juſtice of the peace, and puniſhed as is before provided for ſuch offenders (*r*).

1662. In an act of this year (which is the laſt, preceding the preſent century, to be here mentioned) for the better relief of the poor, whereby they are reſtrained from going from one pariſh to another, there is a proviſion exempting thoſe who go to harveſt work, and carrying a certificate from the miniſter, and one churchwarden or overſeer, that he hath a dwelling-houſe or place in which he inha-

(*r*) Scobell's Acts, 128.

bits,

bits, and hath left wife and children or ſome of them there, (or otherwiſe as his condition ſhall require) and declaring him an inhabitant there (*s*).

And thus ends our review of Acts concerning Maſters and Servants, to the cloſe of the laſt century, which we thought proper to notice, as upon the enacting of a new law, the makers, or rather the propoſers thereof, ſometimes only look up to the ſtatute immediately before, and do not inveſtigate the whole progreſs of the law in that particular, the principal deſign here being to excite attention; and, from a comprehenſive view of the ſubject, to enable every reader to form his own judgment.

(*s*) 13 & 14 Car. 2. c. 12.

CHAPTER

CHAPTER THE SECOND.

Remarks on the Acts, including ſome Obſervations on the Sumptuary Laws; with the Value of Money and Price of Proviſions at different Periods.

BEFORE we begin on the enactions of the preſent century, relative to the ſame ſubject, let us make ſome few obſervations on the acts of thoſe former ages; and add ſome miſcellaneous matters, which at the ſame time they may tend to illuſtrate our ſubject, to ſome they may, perhaps, appear both curious and intereſting.

In every point of view, theſe ſtatutes muſt appear to be extremely impolitic. If the love of domination, ſo natural to mankind, did not account for the fact, it might ſeem ſtrange that the landholders ſhould continue for ſo long a period of time to inſiſt on their power over the deſcendants of their ancient fiefs, as it was neither beneficial to themſelves or the public. Hired ſervants and freemen, when they can be engaged, are in all reſpects preferable to Slaves, in European countries where the climate does not require habits of patience under exceſſive heat. Where freemen can be employed conſiſtently with local circumſtances, whilſt they are labouring for their own profit, they will be more induſtrious and attentive to the buſineſs in which they are engaged than Slaves, whoſe forced ſervice and labour produce only ſlothfulneſs and diſcontent (*t*).

We have formerly obſerved, that the Lords always endeavoured to retain their vaſſals in their

(*t*) Remarks, 296.

ancient ſtate of ſervitude, but omitted noticing the ſeveral ſtatutes paſſed againſt giving Liveries, although they are neceſſary to be regarded as being connected with our ſubject, as thereby we ſhall perceive a true picture of the ſtate of the kingdom, which we have in the preamble to the firſt of theſe acts (*u*). It recites, that becauſe divers people of ſome revenue of land, rent, or other poſſeſſions, made great retinue of people, as well as of Eſquires (*w*), as of other, in many parts of the realm, giving to them hats and other liveries, of one ſuit by year, taking of them the value of the ſame livery, or perhaps the double value, by ſuch covenant and aſſurance, that every of them ſhall maintain the other in all quarrels, be they reaſonable or unreaſonable, to the great miſchief and oppreſſion of the people, it therefore ordains, that no livery be given by any man for maintenance of quarrels and other confederacies, upon pain of impriſonment, and grievous pain to the king. During the reigns of Richard the Second, Henry the Fourth, and Edward the Fourth, ſeveral laws were paſſed (*x*) to prohibit the giving of ſuch liveries, but an act (*y*) of Henry the VIIth, directing a penalty for all givers or takers of any livery, or for any perſons retaining or being retained with another, during that king's life, the nobility were deprived of their great revenues. This law was, indeed, but a more extenſive confirmation of the laws againſt retainers, more properly to be called retained than

(*u*) 1 Ric. 2. c. 7.

(*w*) Eſquire was heretofore an attendant, and had employment as a ſervant, waiting on ſuch as had the order of knighthood, bearing their *ſhields*, and helping them to horſe, or ſuch like.

(*x*) 1 Ric. 2. c. 7. 13 Ric. 2. ſt. 3. 16 Ric. 2. c. 4. 20 Ric. c. 1. Ibid. 2. 1 Hen. 4. c. 7. 2 Hen. 4. c. 21. 7 Hen. 4. c. 14. 13 Hen. 4. c. 3. 8 Hen. 6. c. 4. 8 Edw. 4. c. 2. 3 Hen. 7. c. 12. 11 Hen. 7. c. 3. Ibid. c. 25.

(*y*) 19 Hen. 7. c. 14.

retainers of great men, under the former reigns; for, by the great numbers of men who wore the liveries and hats of the nobility, and were at their command in thoſe idle and leſs opulent times, they were doubtleſs become formidable to the crown, and thereby was formed the beſt of the Engliſh cavalry in their wars; more eſpecially in thoſe between the houſes of York and Lancaſter: ſo jealous a prince, therefore, as Henry the Seventh was, would naturally employ ſuch means to break the ſtrength of the nobles; and this law anſwered the end very well, ſince we hear very little of retainers and liveries from this time (z). But the increaſe of the arts, more effectually than all the ſeverities of the laws, put an end to this pernicious practice. The nobility, inſtead of vyeing with each other in the number and boldneſs of their retainers, acquired by degrees a more civilized ſpecies of emulation, and endeavoured to excel in the ſplendour and elegance of their equipage, houſes, and tables. The common people, no longer maintained in a vicious idleneſs by their ſuperiors, were obliged to learn ſome calling or work of induſtry, and became uſeful both to themſelves and others. And it muſt be acknowledged, in ſpite of thoſe who declaim ſo virulently againſt the refinement of the arts, or what they are pleaſed to call luxury, that as much as an induſtrious tradeſman is both a better man and a better citizen than one of thoſe idle retainers, who formerly depended on the great families; ſo much is the life of a modern nobleman more laudable than that of an ancient baron (a).

The ancient barons being obliged to keep themſelves continually in a military poſture, and little emulous of elegance and ſplendour, employed not their villains as domeſtic ſervants, much leſs as

(z) 2 Anderſon, 17. (a) 3 Hume, 63, 420.

manufacturers, but compoſed their retinue of freemen, whoſe military ſpirit rendered their chieftain formidable to his neighbours, and who were ready to attend him in any warlike enterprize. The villains were occupied entirely in the cultivation of their Maſter's land, and paid their rents either in corn and cattle, and other produce of the farm, or in ſervile offices, which they performed about their baron's family, and upon the farms which he retained in his own poſſeſſion. In proportion as agriculture improved, and money increaſed, it was found that theſe cauſes, though extremely burthenſome to the villain, were of little advantage to the Maſter; and that the produce of a large eſtate could be much more conveniently diſpoſed of by the peaſant himſelf who raiſed it, than by the landlord or his bailiff who were formerly accuſtomed to receive it. A commutation was therefore made of rents for ſervices, and of money rents for thoſe in kind; and as men in a ſubſequent age, diſcovered that farms were better cultivated where the farmer enjoyed a ſecurity of poſſeſſion, the practice of granting *leaſes* to the peaſant began to prevail, which entirely broke the bonds of ſervitude, already much relaxed from the former practices. After this manner, villenage went gradually into diſuſe throughout the more civilized parts of Europe. The intereſt of the Maſter, as well as that of the Servant, concurred in this alteration. The lateſt laws in our ſtatute-book for enforcing or regulating this ſpecies of ſervitude was the act of 11 Hen. 7. and two others (*b*) of Hen. 8. And though the ancient ſtatutes on this ſubject remain ſtill unrepealed by parliament, it appears, that before the reign of Elizabeth, the diſtinction of villain and freeman was totally aboliſhed, and that no perſon remained in the ſtate to whom the former laws could be applied (*c*).

(*b*) 6 Hen. 8. c. 3—7. Hen. 8. c. 5. (*c*) 2 Hume, 218.

THE

THE regulations relative to GAMING were introductory to the act of Henry the 8th, to the like purpose still in force, and seem indeed at first to have been intended for the military profession, particularly that the people might be at leisure for the exercise of the long bow, for which our ancestors were famed throughout Europe, and which, as appears by several acts of parliament (*d*) often engaged the attention of the legislature. And the high constable to this day in some places issues his warrants to the petty constables, requiring them amongst their presentments to be made at the assizes, to give an account how their buts are kept up. Shooting for the prize of a silver arrow, is a relic of the said custom. And to the same cause may be attributed the planting yews in churchyards of ancient time, of which the best bows were made. The same prohibitions are now continued for the encouragement of trade and manufacture (*e*).

It is singular that all the statutes for the encouragement of archery, are since the invention of gunpowder and fire-arms, first used in England in the year 1405.

The following record, dated in the year 1620, gives us some light into the then state of diversions and amusements of the city and suburbs of London and its vicinity, and into the general customs of that time. "It is a grant from King James to Clement Cottrell, Esq. groom-porter of the king's

(*d*) 12 Edw. 4. c. 2. 17 Edw. 4. c. 3. 22 Edw. 4. c. 4. 1 Ric. 3. c. 11. 3 Hen. 7. c. 13. 4 Hen. 7. c. 9. 19 Hen. 7. c. 24. 3 Hen. 8. c. 3. 13. 6 Hen. 8. c. 2. 13. 14 and 15 Hen. 8. c. 7. 25 Hen. 8. c. 17. 33 Hen. 8. c. 6. 9. 8 Eliz. c. 10. 13 Eliz. c. 14.

(*e*) Burn's Poor Laws, 133.

 household,

houſehold, to licenſe a number of places for the uſe of cards, dice, bowling-allies, tennis-courts, and ſuch like diverſions, viz. within London and Weſtminſter, and the ſuburbs of the ſame, twenty-four bowling-allies; —in Southwark, four; —in St. Catharine's, one; —in the towns of Lambeth and South Lambeth, two; —in Shoreditch, one; —and in every burgh, town, village, or hamlet, within two miles of the cities of London and Weſtminſter, one bowling-alley. Alſo within the ſaid cities of London and Weſtminſter, and within two miles thereof, fourteen tennis-courts. And to keep play at dice and cards, forty taverns or ordinaries within the ſaid limits. For the honeſt and reaſonable recreation," ſays this prince, "of good and civil people, who, for their quality and ability, may lawfully uſe the games of bowling, tennis, dice, cards, tables, nineholes, or any other game hereafter to be invented (*f*)."

The games mentioned in the ſeveral acts were introduced by the diſcharged ſoldiers, and to which they had been much addicted in their camps in the enemy's country. Some of theſe ſeem to have been manly exerciſes, particularly the *handyn* and *handoute*, which is ſuppoſed to be a kind of *cricket*, as the term of hands is ſtill retained in that game (*g*).

The *quekborde* was perhaps the ſame as with what we call *ſhovelboard*: and it may be called queckboard or quickboard, becauſe the pieces they play with run upon the table with great celerity.

The allowing of ſervants to play at Chriſtmas with their Maſter, ſeems to be a relic of the ancient

(*f*) 2 Anderſon, 285. (*g*) Barrington, 421.

Saturnalia

Saturnalia obſerved by the heathens in January, and celebrated in Italy long before the building of Rome, when liberty was allowed to ſervants to be free and merry with their Maſters, and when the Maſters waited on their Servants; one of whom preſided over the whole family in the habit of a king: and upon one day in which time the ſlaves played at dice with their Maſters in public, and from whence no doubt aroſe the cuſtom of hazard-playing at St. James's on twelfth day, and the diverſions ſtill retained in private families on that day.

WITH regard to the laws for fixing the WAGES, it may indeed be practicable in particular towns and occupations, and no inconvenience may enſue; but it is extremely difficult to adjuſt them by a law in every part of the kingdom. A difference in the riſe of proviſions, and other neceſſaries requires a difference in wages; and for this reaſon the ſame wages may be conſidered high in one county, which may be thought too low in another. And after many fruitleſs attempts for above 400 years, to regulate what will not admit of an univerſal regulation, the Juſtices of the peace were authorized to ſettle the wages of workmen and labourers in their reſpective counties. And in length of time, the Juſtices not interfering, they were left to be ſettled by the cuſtom of the country, and the diſcretion of the Maſter, who would proportion them to the ſkill and abilities of his workmen, and ſometimes to his own and their neceſſity (*b*). In general, where the conſtitution of a country is founded on juſtice, and the rights of the people are duly maintained, oppreſſion of Servants and Labourers, with reſpect to wages, is rarely exer-

(*b*) Remarks, 293.

ciſed; or at leaſt, is by no means a general evil. A proportion between the average price of proviſions and labour is commonly obſerved in ſuch countries.

It may not perhaps be unacceptable to ſome of our readers, if we mention a few particulars with reſpect to *Diet* and *Proviſions*, whereby we may be enabled to form ſome adequate idea of the value of Wages, at different periods.

The Acts of Parliament relating to Proviſions, and ſettling the Price of Victuals, are very numerous (*i*); we ſhall however take notice of a few only, as neceſſary to our preſent purpoſe.

In the year 1336, an Act paſſed, reciting the great inconvenience to the more opulent by exceſs of entertainments, it is ordained (*k*), that no one ſhould

(*i*) 51 Hen. 3. ſtat. 6. 12 Edw. 2. ſtat. 1. c. 6. Ord. Bakers 6, 7. 4 Edw. 3. c. 12. 10 Edw. 3. ſtat. 3. 23 Edw. 3. c. 6. 31 Edw. 3. ſtat. 1. c. 10. 37 Edw. 3. c. 3. 42 Edw. 3. c. 7. 5 Ric. 2. c. 4. 6 Ric. 2. c. 7, 9, 10, 11. 7 Ric. 2. c. 11. 13 Ric. 2. ſtat. 1. c. 8. 1 Hen. 4. c. 17. 4 Hen. 4. c. 25. 2 Hen. 6. c. 14. 14 Hen. 6. c. 6. 23 Hen. 6. c. 13. 12 Edw. 4. c. 8. 3 Hen. 8. c. 8. 23 Hen. 8. c. 4. 25 Hen. 8. c. 2. 28 Hen. 8. c. 14. 2 and 3 Edw. 6. c. 15. 7 Edw. 6. c. 5. 1 and 2 P. and M. c. 5.

(*k*) 10 Edw. 3. ſtat. 3.—Monteſquieu informs us, that James the Firſt of Arragon, ordained in the middle of the thirteeth century, anno 1234, that neither the king, nor any of his ſubjects, ſhould have above two ſorts of diſhes at a meal; and that each diſh ſhould be dreſſed only one way, except it were game of their own killing.—Book 7. chap. 5. "Let no man preſume," ſays an edict of Charles the VIth, towards the end of the fourteenth century, "to treat with more than a ſoup, and two diſhes." 1 Anderſon 261. In old times, there was but one meal a day; which continued to be the faſhion, even after great luxury was indulged in other reſpects.—Kaim's Law Tracts, page 98. We have Shakeſpear's authority, that in the reign of Hen. VIth, the people of England fed but twice a day. Hector Boyes

ſhould be allowed either for his dinner or ſupper above two courſes, as alſo not above three diſhes in each courſe; and it is expreſsly declared, that *ſouſed meat* is to count as one of theſe diſhes: certain feaſts are however excepted, in which three courſes are permitted. This law, in all probability, like moſt other ſumptuary regulations, was never executed with any ſtrictneſs: it ſerves however to ſhew in what way our anceſtors lived, and perhaps we ſhall not ſuffer, in compariſon, ſo much as is generally apprehended. We need not look further than into the bill of fare for a great feaſt or entertainment in thoſe days, to ſee that the expence and gluttony were immoderate (*l*).

In this ſame year 1336, there was ſuch plenty of corn and ſcarcity of money, that wheat was ſold at London at two ſhillings per quarter, or ſix ſhillings of our money; an ox at ſix ſhillings and eight pence; a fat gooſe two pence; a pig one penny; and ſix pigeons one penny; which cheapneſs, according to Knighton and Fabian (*m*), was occaſioned by King Edward the Third's gathering up all the money he could get, for carrying on his wars with France and Scotland: ſo that this could not

Boyes exclaims againſt the growing luxury of his time, that, not ſatisfied with two meals, ſome men were ſo gluttonous as to eat thrice every day.—Kaims. In the boaſted reign of Queen Eliz. anno. 1596, (when wheat by reaſon of great rains was that year at four pound per quarter, and in the year following from 4 *l.* to 5 *l.* 6 *s.* 8 *d.* per quarter) there was a proclamation, requiring houſekeepers, being of wealth, to be content in their own diet, to avoid exceſs; and to uſe fewer diſhes of meat in that time of dearth; and to forbear to have ſuppers at their houſes on Wedneſdays and Fridays, and faſting days; whereby much might be ſpared, that would be better beſtowed a great deal on the relief of the poor.—Gent.'s Magazine, vol. 26, page 560.

(*l*) Barrington, 241. (*m*) 1 Anderſon, 304.

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be made a permanent rule of the expence of living for the future.

In the firſt ſtatute for regulating the wages of the Labourers, we obſerved that the ſtipendiary prieſts were to ſerve for a competent ſalary, and which was thought to be of ſuch importance as to be ſettled by act of parliament (*n*) in the year 1362, whereby the rate at which a ſingle man, a clergyman, might live decently at that time, is to be ſeen. " A penalty was to be impoſed by the biſhops upon prieſts taking more wages than is aſſigned; and that no man ſhall give to a pariſh prieſt for his wages above five marks, or 3*l.* 6*s.* 8*d.* (equal to 8*l.* 1*s.* 8*d.* of modern money) or elſe his board and 1*l.* 6*s.* 8*d.*" Thus we ſee that a prieſt might at this time board for two pounds, or between five or ſix pounds of our money per annum; and the other 1*l.* 6*s.* 8*d.* was thought by the legiſlature ſufficient for all his other expences, as cloaths, &c. Now their ſilver coins being near two and a half times the weight of ours, this 3*l.* 6*s.* 8*d.* was equal to 8*l.* 1*s.* 8*d.* of our money; and the clergy being all ſingle men, we may ſuppoſe he could not live decently for leſs than 40*l.* yearly: ſo that living, or, in other words, wheat and other things neceſſary and convenient, were at leaſt at this time four times as cheap as in our days, both clergy and laity living more abſtemiouſly and plainly in thoſe times, luxury being then much leſs predominant than at preſent (*o*).

The value of money was ſo far ſunk in 1414, that this allowance (*p*) to pariſh prieſts was raiſed to 6*l.* for their board, apparel, and other neceſſa-

(*n*) 36 Edw. 3. c. 8. (*o*) 1 Anderſon, 347.

(*p*) 2 Hen. 5. ſtat. 2. c. 2.—In 27 Hen. 6. a pardon paſſed for ſuch prieſts as had offended againſt theſe acts, ch. 6.

ries;

ries; and for chaplains only 4*l.* 13*s.* 4*d.* So that here is an increaſe in the rate or expence of living of a ſingle clergyman, in the ſpace of fifty-two years, of no leſs than the proportion of from ten to eighteen of what it was in the year 1362. Which increaſe in the rate of living, was partly owing to the gradually diminiſhing of the weight and value of our ſilver coins, ſince the ſaid year 1362, from about two five eighths to about two one fourth, and partly alſo to the general increaſe of commerce and people, and conſequently of expence, ſince the firſt period. An increaſe of commerce will naturally bring alſo an increaſe of money, and an increaſe of money will conſequently cauſe an advanced price of all neceſſaries, or what we call a greater expence of living (*q*).

In the year 1434, England had a very wet autumn, and Wheat was dear for the two ſucceeding years, viz. 1 *l.* 6 *s.* 8 *d.* per quarter: yet, towards the cloſe of the year following, it fell again to five ſhillings and four pence, or ten ſhillings and eight pence of our money, which ſeems to have been near the uſual moderate or mean price of a quarter of Wheat about that time in favourable years; ſo that the rate of living was ſtill about four times as cheap as in our days (*r*). But ſuch ſudden and great alterations in the price of corn, may be aſcribed, more to the want of ſkill and diligence in the farmers, than to the inclemency of the heavens. Poſſibly too, there might, even in thoſe times, have been knaviſh tricks practiſed in this buſineſs for private gain; and moreover, it is much to be queſtioned, whether the government was ſufficiently diligent to prevent ſuch ſudden variations, and thereby ſuffer the people to undergo

(*q*) Anderſon, 423. (*r*) 1 Anderſon, 456.

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ſuch hardſhips ſo very frequently in the price of wheat. All which conſiderations make it frequently difficult to form an exact computation of the expence of living then, compared to our own times.

The prices of proviſions in the year 1444, were as follow, viz. wheat four ſhillings and four pence, or eight ſhillings and eight pence of our money per quarter; a fat ox 1 *l.* 11 *s.* 8 *d.* or 3 *l.* 3 *s.* 4 *d.* of our money; a hog three ſhillings, or ſix ſhillings of our money; a gooſe three pence, or ſix pence of our money; pigeons fourpence per dozen, money then being twice the weight of our modern coin. At this rate an equal quantity of our money would probably go then about five times as far as in our days; ſo that the prices were what would be equal to the following with us, viz. wheat 2 *l.* 3 *s.* 4 *d.* per quarter; a fat ox 15 *l.* 16 *s.* 8 *d.*; a hog 1 *l.* 10 *s.*; a gooſe two ſhillings and ſix pence; a dozen of pigeons three ſhillings and four pence (*s*).

It was this ſame year enacted, that when wheat was ſo cheap as ſix ſhillings and eight pence per quarter, rye four ſhillings, and barley three ſhillings; thoſe three ſpecies of corn might be exported (*t*), which ſignifies thoſe prices not to be high, and from thence we may form a near judgment of the mean or middle rates of corn; and, by inference, of ſome other proviſions. For, ſuppoſing ſeven ſhillings per quarter, or fourteen ſhillings of our money for wheat, and five ſhillings for barley, to have been, at that time, the mean or middle price; and if the mean or middle price of both ſorts be thrice as much in our days and money, the inference is, that living, by this method of reckoning,

(*s*) 1 Anderſon, 467. (*t*) 23 Hen. 6. c. 5.

was

was till then at leaſt four times cheaper than in our time; but then we ſhould not forget, that their ſhilling was ſtill about twice the weight of ours; and that dearneſs and cheapneſs have always a reference to the quantity of ſilver in the coins (*u*); yet ſtill it will eaſily be perceived how very difficult, if not impoſſible, it is to fix preciſely the proportion of the expence of living between ſuch remote times and our own days; for although wheat, the principal ſtaff of life, is of any one ſpecies of proviſions or neceſſaries, the moſt certain rule by which to direct any calculation, yet there is no ſmall difficulty in determining what was in any age or time, the mean price of it, from its great and often ſudden variations; and even if this could always be aſcertained, there are many other particular neceſſaries which ſhould likewiſe be conſidered, in order to fix the proportion of the expence of living. But in the caſe now before us, we have a reaſonable guide to direct us, and therefore we cannot be far from an adequate determination (*w*).

It may not be amiſs to inſert a little piece of hiſtory to our preſent purpoſe. In the year 1533, when they began to make regulations relative to trade and agriculture, without underſtanding the true principles by which they may be promoted, it was then firſt enacted (*x*), that beef, mutton, and veal, in order to reduce the price of ſhambles meat, ſhould be ſold by weight; no perſon to take above one halfpenny for a pound of beef or pork, nor above three farthings for mutton and veal, and leſs in thoſe places where they had been uſually ſold for leſs. This act was deviſed for the great

(*u*) 1 Anderſon, 457. (*w*) 1 Anderſon, 434.
(*x*) 24 Hen. 8. c. 3. 25 Hen. 8. c. 1, 2. 27 Hen. 8. c. 9. 33 Hen. 8. c. 11.

advantage

advantage of the realm (as it was thought) but proved otherwiſe (*y*). For at that time fat oxen were ſold at twenty-ſix ſhillings and eight pence; fat wethers for three ſhillings and four pence; fat calves of the like price; a fat lamb for twelve pence. The butchers of London ſold penny pieces of beef, for the relief of the poor; every piece two pound and an half: ſometimes three pound for a penny; and thirteen, ſometimes fourteen of theſe pieces for twelve pence; mutton eight pence the quarter; and an hundred of weight of beef for four ſhillings and eight pence. This act was afterwards repealed, in conſideration that unſeaſonable years did not permit any certain rule for the prices of fleſh meat, which were afterward referred to be fixed occaſionally by the lords of the privy council, and by the chief magiſtrates of towns.

We ſhall conclude theſe obſervations on provi-

(*y*) Fleetwood, 94.—It is remarked, that the number of butchers in London, and its ſuburbs, did not at this time exceed eighty; each of whom killed nine oxen weekly, which, in forty-ſix weeks (none being then killed in Lent) amounts to thirty-three thouſand one hundred and twenty oxen yearly. The preſent average calculation of oxen, or black cattle, and ſheep, yearly ſold at Smithfield, is, oxen 94,000; ſheep, and lambs, 800,000; and the quantity of wheat ſuppoſed to be conſumed in London, and its ſuburbs, at this time 1789, is in London per week 20,000 ſacks; in the kingdom at large 140,000, on the average of 20,000 ſacks per day through the kingdom, excluſive of London.—It is ſaid that in the year 1590 there were only about 160,000 people in London, whereas it is now ſuppoſed to contain near one million.—At the above period, 1533, every ſubſtantial houſholder, in proportion to his rank, commonly maintained a number of oxen and ſheep, which were ſlaughtered at the end of autumn, and ſalted for the winter proviſion, and conveyed from place to place, which may account for the few number of butchers in the metropolis at that time.—In ſome parts of the north, the cuſtom of ſalting proviſions for winter uſe ſtill prevails.

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ſions and wages, with remarking, that if we compare the prices of grain and labour in the former and preſent times, the gain will be found on the ſide of modern labourers. The price of a buſhel of wheat is fixed in the firſt ſtatute at ten pence, or about twenty ſhillings a quarter in our money; and this was conſidered as its medium price in the time of Edward the Third, and in the three or four following reigns. So much has the condition of labourers been improved, and ſo much greater is the preſent ſkill in huſbandry, that, notwithſtanding the higher rate of lands, the price of wheat has ſcarcely been doubled, while the wages of all ſorts of workmen and labourers, after deducting the public burthens, are at the leaſt five times higher than in thoſe times of vaſſalage (*z*).

Till about the year 1609, the retailers of victuals and ſmall wares caſt their own leaden tokens (*a*) (a prac-

(*z*) Remarks, 63.

(*a*) 2 Anderſon, 238.—In the confuſions of thoſe wars between King John and his Barons, which ended in the year 1215, Camden, in his Remains, ſays, "There is a tradition that they "ſtampt leather money:" yet, ſays he, I never ſaw any of them. But "we have ſeen money made by the Hollanders of "paſteboard, anno 1574.—Amongſt the old Romans there "was *coriam forma publicæ percuſſum*, or ſtampt leather, "mentioned by Seneca; and the like at the ſiege of Milan, "by the Emperor Frederick II."

In the year 1360, France was ſo exhauſted, that it could not furniſh the firſt payment of King John's ranſom to Edward the Third, without recalling the Jews, and ſelling them the privileges of living and trading in France. The king himſelf was reduced to the neceſſity of paying for the neceſſaries of his houſehold in leather money; in the middle of which there was a little nail of ſilver—See 1 Anderſon, 197, 343.

In addition to what we have before obſerved with regard to the Victuallers, we may add, that in the time of Edward the Sixth, and Queen Elizabeth, ſo great in ſome places were the prejudices againſt millers, bakers, and dealers in corn, that a com-

(a practice then univerſal, eſpecially in London) for want of ſmall money, there not being till then in England any copper halfpence and farthings, which were before of ſilver (though copper or braſs money was in uſe in Ireland as early as the year 1339, in Scotland between the years 1370 and 1390, and in the France in 1589) and the buyer was tied to one ſeller, and his bad commodities; ſo that in this reſpect the acts for reſtraining their ſelling at exorbitant prices were very proper, but ſtill one effectual way of providing againſt the conſequences of a famine, is to permit an advanced price of proviſions, this neceſſarily enforces frugality and œconomy, and, by preventing a needleſs conſumption, ſeems to enlarge the ſtore, and to afford a longer ſubſiſtence.

We are indebted to Doctor Fleetwood, Biſhop of Ely, for the rates or prices of proviſions (*b*), in many different periods of time, for ſome centuries paſt, who towards the end of his Chronicon Preciosum, gives the true market price of wheat and malt for ſixty years, i. e. from 1646 to 1705, both inclusive. The higheſt price of wheat was 4 *l.* 5 *s.* per quarter, in the year 1648; and of malt, in the year 1659, 2 *l.* 8 *s.* 8 *d.* and the loweſt price of wheat in all that period was 1 *l.* 5 *s.* 2 *d.* in the year

a competent number were not licenſed to trade; by which means, being in fewer hands, more danger of monopolies, impoſitions, and combinations enſued. By the act of Elizabeth, a man licenſed to trade in corn, grain, cattle, butter, or cheeſe, muſt be thirty years of age, a married man or widower, and a houſekeeper, and muſt have lived three years in the county: 5 and 6 Edw. 6. c. 14. 5 Eliz. c. 12. 13 Eliz. c. 25. Such clauſes are manifeſtly repugnant to the nature of trade, and the rights of the people, and would of courſe ſo operate as to require the interference of the magiſtrates in ſettling the prices of proviſions.

(*b*) Fleetwood, 101. 3 Anderſon, 27.

1687;

1687; and of malt in 1691, ſeventeen ſhillings and four pence. Thoſe of the year 1705 were 1 *l.* 10 *s.* for wheat, and 1 *l.* 6 *s.* for malt. Medium for wheat between thoſe two prices is 2 *l.* 15 *s.* 1 *d.* medium for malt between thoſe two prices is 1 *l.* 13 *s.*

The biſhop obſerves, Firſt, that in every year there are two prices of corn, viz. that at Lady Day, and that at Michaelmas; both which he put together, and took half of the ſum, for the common price of the whole year.

Secondly, Of the firſt twenty years of the ſaid ſixty years, the price of wheat was 2 *l.* 17 *s.* 5 $\frac{1}{4}$ *d.*; and of malt 1 *l.* 12 *s.* 3 $\frac{3}{4}$ *d.* per quarter.

Thirdly, For the ſecond twenty years, from 1666 to 1685, wheat 2 *l.* 6 *s.* 3 $\frac{3}{4}$ *d.* and malt 1 *l.* 5 *s.* 3 $\frac{3}{4}$ *d.*

Fourthy, In the laſt twenty years, from 1686 to 1705, wheat 2 *l.* 5 *s.* 9 $\frac{3}{4}$ *d.* and malt 1 *l.* 5 *s.* 5 $\frac{1}{4}$ *d.*

Fifthly, One year with another, for the ſaid ſixty years, wheat was 2 *l.* 9 *s.* 10 $\frac{1}{2}$ *d.*; and malt 1 *l.* 7 *s.* 7 $\frac{1}{4}$ *d.* which is ſix ſhillings and two pence the buſhel of wheat, and three ſhillings and five pence the buſhel of malt, and ſomewhat above.

IN the inſtance of DRESS and APPAREL, the ſubjects might have been indulged with the liberty of expending their money without detriment to the public. A ſmall degree of luxury in the article of dreſs, would have been of ſervice to the manufacturers in promoting the conſumption of their goods, and at the ſame time would have encouraged in-

duſtry in order to ſupply this additional expence of cloathing. And the flouriſhing ſtate of trade, towards the end of Queen Elizabeth's reign, may be in ſome meaſure attributed to the improved ſtate of the people, both in their dreſs and their mode of living. In their former ſtate of vaſſalage, they were equally unable to purchaſe either the goods of our manufacturers, or thoſe of foreigners, received in exchange for our own. The common people now earning more in conſequence of their freedom, and the increaſe of national trade, were enabled to expend more in their apparel, and other articles. And the gentry, proud of their rank and family, were willing to keep a diſtinction between themſelves and the vulgar, even in their dreſs (*c*). And we may further remark, that although in all wealthy countries, luxury will ever be growing up, yet it is not for the general benefit of commerce to impoſe what we ſaw in the above named laws, an abſolute prohibition of every degree of it. Yet ſome think it to be juſt, and for the benefit of the public, that ſuch as ſtep ſo far out of their rank as to eat, drink, and wear, what no way becomes their ſtation, ſhould be taxed accordingly, could it be done without involving thoſe who have a juſt title to ſuch indulgence. This, however, is a point which ſhould be maturely weighed, before it be executed; and in mercantile countries, if not any where elſe, reſtraints will ever be found hurtful, and in ſome meaſure impracticable, where true freedom is firmly eſtabliſhed (*d*).

If we take but a ſlight ſurvey of the ſeveral ſumptuary acts, and obſerve the faſhions that have been recently, and are now prevailing, we may give a tolerable gueſs at the dreſſes of different

(*c*) Remarks, 296. (*d*) Anderſon,

periods;

periods; and it will appear, that there is hardly any part of a dreſs now known to have been in faſhion, but has been at ſome period or other prohibited by parliament. At preſent indeed people are ſo much at liberty to follow their own fancy in the figure and materials of their dreſs, that the habit is become a kind of index to the mind, and the character is in ſome particulars as eaſily diſcovered by a perſon's dreſs as by their converſation.

In a conſtitution of Archbiſhop Stratford, in the year 1343, we have a picture of the dreſs of the times, which recites, that men in holy orders ſcorn the tonſure (i. e. the mark of a degree clerical, encreaſed in ſize according to the advancement of the perſon in eccleſiaſtical office) and diſtinguiſhed themſelves with hair hanging down (*e*) to their ſhoulders, in an effeminate manner; and apparel themſelves like ſoldiers rather than clerks, with an upper jump (or coat) remarkably ſhort, with exceſſive wide or long ſleeves, not covering the elbows, but hanging down; their hair curled and powdered, and caps with tippets (*f*) of a wonderful length; with long beards (*g*); and rings on their fingers; girt with girdles exceeding large and coſtly, having purſes enamelled with figures, and various ſculptures gilt, hanging with knives (like ſwords) in open view; their ſhoes chequered with red and green (*h*), exceeding long, and variouſly indented; with croppers to their ſaddles, and horns hanging at

(*e*) This is now the faſhion among the ladies in general; but the gentlemen wear their hair turned up under their hat, which, by ſome is called effeminate: ſuch is the caprice of faſhion and notions of different ages.

(*f*) Long ſcarfs, which they uſed to faſten to their caps, which uſed to be of black ſilk, ſattin, or velvet: and are ſtill uſed in monaſteries abroad, and in ſome old religious foundations in England.

(*g*) See page 82. (*h*) Ibid.

the necks of their horſes; and cloaks furred at the edges, contrary to the canonical ſanctions, ſo that there is no diſtinction between clerks and laicks, which rendereth them unworthy of the privilege of their order. It then forbids their wearing ſuch dreſs. Yet it is not to abridge clerks of open wide ſurcoats, called table coats, with fitting ſleeves to be uſed at ſeaſonable times and places; nor of ſhort and cloſe garments, whilſt they are travelling in the country, at their own diſcretion.

The band came in with the puritans and other ſectaries, upon the downfal of epiſcopacy; and in a few years afterwards became the common habit of men of all denominations and profeſſions: which, giving way in its turn, was yet retained by the gentlemen of the long robe (both eccleſiaſtical and temporal) only becauſe they would not follow every caprice of faſhion. Indeed moſt of the peculiar habits, both in the church, courts of juſtice, and in the univerſities, were in their day the common habit of the nation; and were retained by perſons of conſequence, and in places of importance, as having an air of antiquity, and thereby in ſome ſort conducing to attract veneration: and the ſame, on the other hand, in proportion do perſuade to a ſuitable gravity of demeanor; for an irreverent behaviour, in a venerable habit, is extremely burleſque and ungraceful (*i*).

We may ſee that many of our charity children are dreſſed according to the directions, or rather reſtrictions of the different acts; of which we have an inſtance in the dreſs of a child of Chriſt's Hoſpital in London, founded by Edw. VI. in 1552; the knit cap, leather belt, breeches or drawers and

(*i*) 3 Burn's Eccleſiaſtical Law, 191.

upper

upper garment the ſame, and that made of ſuch length as to cover his buttocks, and not garded or pinched, but puckered, with yellow ſtockings, which were worn by ſome ordinary gentlemen in the country.

In addition to what we obſerved under the year 1363, with regard to the apparel of labourers, we ſhall add, that it was enacted in the ſame year (*k*), that gentlemen under the degree of knights, not having 100 *l.* yearly in land, ſhall wear no cloth above four and a half marks the whole piece. Neither ſhall they nor their females uſe cloth of gold, ſilver, or embroidery. But eſquires having 200 *l.* or upwards of yearly rent, may wear cloth of five marks, the whole piece or cloth; and they and their females may alſo wear ſtuff of ſilk, ribbons, girdles, or furs.

Merchants, (*l*) citizens, burghers, and artificers, or tradeſmen, as well of London as elſewhere, who

(*k*) 37 Edw. 3. c. 10.—We have before obſerved, that it was enacted, that the labourers were not to wear cloth above forty ſhillings the whole cloth, but it is not meant by that, that their clothing was not to exceed forty ſhillings, or ſhould not be made of cloth above forty ſhillings a yard, but that ſuch their apparel ſhall not conſiſt of cloth above the value of forty ſhillings for the whole piece or web; which web was limited in length, breadth, and weight, and at that time the coth of aſſize (as they called it) was, according to the difference of the ſorts to be twenty-ſix or twenty-eight yards long, and ſix quarters or ſix quarters and an half broad. So that where the whole cloth was valued at forty ſhillings, the ſame was at the rate of about ſeventeen or eighteen pence a yard. Burn's Obſ. 131.—It had been before enacted, that none ſhould wear any cloth, but ſuch as was made in England, except the king, queen, and their children. And that none ſhould wear foreign furs or ſilks, unleſs he was worth 100 *l.* per annum. Neither was any foreign cloth to be imported on pain of forfeiture, and other puniſhment. 11 Edw. 3. ch. 2, 3, 4. See note page 86.

(*l*) Ch. 11.

have goods and chattels of the clear value of 500 *l.* and their females, may wear as is allowed to gentlemen and eſquires of 100 *l.* per annum. And merchants, citizens, and burgeſſes, worth above 1000 *l.* in goods and chattels, may, and their females, wear the ſame as gentlemen of 200*l.* per annum (*m*).

Knights of two hundred marks yearly, may wear cloth of ſix marks the piece, but no higher; but not cloth of gold, nor furred with ermine, &c. But all knights and ladies who have four hundred marks yearly, up to 1000 *l.* per annum, may wear as they pleaſe, ermine excepted: and they may uſe ornaments of pearls and precious ſtones, for their heads only (*n*).

Clerks having degrees in cathedrals, colleges, &c. may wear as knights and eſquires of the ſame income (*o*).

The clothiers were to make ſuitable quantities of cloth of all the prices named in the ſaid act; and mercers and ſhopkeepers, in towns and cities, were to keep due ſortments thereof; ſo that the laws might be duly obſerved (*p*). By this laſt chapter we may ſee, that by this time there was plenty of woollen cloth, of various prices and fineneſs, made in England.

Note, The fixed value of a mark was at the ſame rate as at preſent, viz. thirteen ſhillings and four pence, and which never was an Engliſh coin, but merely a denomination, or determined quantity of ſilver bullion by weight, as it is at this day in moſt foreign countries (*q*).

(*m*) Ch. 11. (*n*) Ch. 12. (*o*) Ch. 13.
(*p*) Ch. 15. (*q*) 1 Anderſon, 187.

Before this time, the Engliſh ſo gloried in the ſpoils of France, that there was ſcarce a woman of condition, but could ſhew ſome rich furs, and foreign furniture; and the Engliſh ladies had begun to pride themſelves in the faſhions of the French. Luxury now increaſing, fine table linen, gold and ſilver plate, and jewels, were commonly ſeen in the houſes of private perſons (*r*).

As the old acts of parliament are, as far as they go, the very beſt materials for an Engliſh hiſtory; and are likewiſe ſtrongly deſcriptive of the manners of the times, ſo the acts and ordinances of moſt countries of Europe, are frequently expoſitory of our ſtatutes, eſpecially when they happen to have been made nearly at the ſame time (*s*), and nations in the ſame ſtate and circumſtances, will naturally employ the ſame expedients; of which we have an inſtance in a Scotch act, in the 14th parliament of King James the Second of Scotland, in the year 1457, whereby it was enacted, "That no common tradeſmen in towns, except they be magiſtrates, nor their wives, ſhould wear ſilk, nor coſtly ſcarlet in their gowns, nor furred garments; and their wives ſhall wear on their heads ſhort curches, with little hoods, ſuch as are uſed in Flanders, England, and other countries. Labourers, and their wives, on work days, ſhall wear only grey or white; and on holidays, but light blue; and their wives curches of their own making, not exceeding forty pence the ell (*t*)," which at that time was only equal to twelve

(*r*) 1 Anderſon, 325. (*s*) Barrington pref. 4.

(*t*) 1 Anderſon, 478.—The Scotch poor are again confined to theſe colours in the year 1621; and from whence we may conjecture the more frequent uſe thereof among our poorer people ſome few years ſince, than thoſe of any other colour, and as even this laſt act was before the general eſtabliſhment of charity ſchools in 1688, and it being uſual to clothe thoſe cha-

twelve pence Engliſh money, being the ſame price as the wives of the Engliſh labourers were a few years after permitted to wear their coverchiefs or curches at, as obſerved under the year 1463, page 30.

By an act of the Engliſh parliament in the year 1463, it was enacted (*u*), that no perſon under 40 *l.* a year, ſhould uſe or wear in array for his body, any bolſters or ſtuffing of wool, cotton, or cadas, or any ſtuffing in his doublet, but only lining according to the ſame. But this act was not to extend to minſtrels (*w*), nor players in their interludes; nor to perſons wearing of any purſes, broches, or crowns for caps of children.

We have before taken notice of a ſumptuary law, under the year 1554, to reſtrain the extravagance and vanity of dreſs of the lower claſs of people, and we have in the ſame year, in conformity it ſeems to the ſaid act, a bye law of the ſociety of merchant adventurers at Newcaſtle, after inveighing plentifully againſt the vices and exceſſes of the times, proceeds as follows: "what dyſeng, cardeng, and "mummeng (*x*), what typling, dauncing, and "braſeng

rity children according to the reſtrictions or directions of the acts at that time exiſting, we may nearly conclude from hence aroſe the term uſually given to thoſe charities of "Blue Coat "Schools."

(*u*) 3 Edw. 4. c. 5.

(*w*) For a deſcription and dreſs of a minſtrel, ſee Mr. Percy's Reliques of antient Engliſh poetry, and Annual Regiſter, vol. 8, page 199.

(*x*) A cuſtom which was uſed in the north; it is a changing of cloaths between men and women, who, when dreſſed in each other's habits, go from one neighbour's to another, and partake of their Chriſtmas cheer, and make merry with them in diſguiſe, by dancing and ſinging, and ſuch like merriments. This was alſo an antient cuſtom among the heathens obſerved in January, at the time of their ſaturnalia; which was a going in diſguiſe,

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" braſeng of harlots! what garded cotes, jagged " hoſe, lined with ſilke, and cut ſhoes! what uſe of " gyttherns by nyghte, what wearynge of berds! " what daggers ys by them worne croſſe overtharte " their backs! That their doings are more cumlye " and decent for rageng ruffians than ſeemlie for " honeſt apprentizes." The bye law then forbids them to dance, card, mum, or uſe any gyttern, (i. e. a guittar or fiddle) or to wear cut hoſe, cut ſhoes, pounced jerkens. And to wear none other hoſe or cotes than ſloppes of coarſe cloth, whereof the yard (but more probably the ell) do not exceed twelve pence, and houſewife's making.

In the parliament which met in the year 1575, the firſt thing we find done by the Lords, was to read a bill for the reformation of apparel. The year before this, the queen had put out a proclamation to ſtop the great exceſs to which this modiſh luxury had then arrived. Obſerving that, to maintain this ſhining vanity, a great quantity of money was yearly carried out of the land, to buy ſilks and other foreign fineries, to the impoveriſh-

diſguiſe, not publicly, or to any indifferent place; but privately, and to ſome well known families. See Brand's Obſervations on popular Antiquities, chap. 16, wherein is an account of a remarkable mummery 1377, made by the citizens for diſport of the young prince Richard, ſon to the Black Prince, preſerved by Stow; and alſo another from Fabian in the ſecond year of Henry IV. he then keeping his Chriſtmas at Eltham: among the mummers were the Dukes of Albemarle, of Surry, and Exeter, and the Earls of Saliſbury and Glouceſter, and others of their rank, who were to have made a great mumming on Twelfth Night, and every thing was ready, but the intent was, as related to the King by the Duke of Albemarle, to kill the king during the time of the diſguiſing. This had like to have proved a ſerious jeſt.—See alſo Rapin's Hiſtory of England. In ſome parts of Hampſhire they have a cuſtom for the poor to go from houſe to houſe, about the time of Chriſtmas, begging, which they call mumming.

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ment of the commonwealth, and the almoſt total ruin of ſeveral noble families, who ſtrove to vie with one another in this kind of extravagance. We have before obſerved, that ſeveral ſumptuary laws were made in different reigns, to reſtrain this vice; and now the queen's proclamation being little regarded, an act of parliament was deſigned to enforce the obſervance. But this way had as little ſucceſs as the former; for though the bill paſſed the houſe of Lords, and was ſent down to the Commons, they never returned it (*y*), being ſenſible of the national benefit ariſing from a moderate degree of luxury, which, where there is any thing like wealth, will certainly ſhew itſelf more or leſs in all ages; and when confined to apparel, furniture, and externals, cannot be liable to the cenſure of the moraliſt; at leaſt not equally ſo with the ſuperfluous gratifications of appetite, which maxims neither of wiſdom nor of policy can recommend.

By theſe ſeveral laws, we ſee that even in more remote times, much gaiety of dreſs was to be found amongſt perſons of fortune, though, perhaps, in thoſe times the lower claſſes of people did not, and indeed, by reaſon of much greater poverty, could not, ſo very cloſely imitate the former in that reſpect, as is done in our days, occaſioned by a more general increaſe of wealth by commerce and manufactures.

Expence in dreſs having prevailed in the city of London, among people of all ranks, particularly among apprentices, which was apprehended might prove of dangerous conſequence to their Maſters, orders were publiſhed in the year 1582, by the Lord Mayor and Common Council, which will

(*y*) 4 Parl. Hiſt. 184.

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now be thought very extraordinary, and which we inſert with a preſumption that they may not be unacceptable to our readers, as ſhewing the faſhion of the times, eſpecially as they were iſſued ſo ſoon after the fate of the laſt bill againſt this exceſs. It is ordered, that from thenceforward no apprentice whatſoever ſhould preſume,

To wear any apparel but what he receives from his Maſter (*z*).

To wear no hat within the city and liberty thereof, nor any thing inſtead of it but a woollen cap, without any ſilk about it.

To wear no ruffles, cuffs, looſe collar (*a*), nor any thing more than a ruff at the collar, and that only of a yard and a half long (*b*).

To wear no doublets, (i. e. waiſtcoats) but what were made of canvas, ſackcloth, fuſtian, Engliſh leather, or woollen cloth, without being enriched in any manner with gold, ſilver, or ſilk.

To wear no other coloured cloth or kerſey, in hoſe or ſtockings, than white, blue (*c*), or ruſſet.

To wear little breeches of the ſame ſtuffs as the doublets, without being ſtitched, laced, or bordered.

To wear a plain upper coat of cloth or leather, without pinking, ſtitching, guarding, lace, or ſilk about it.

To wear no other ſurtout than a cloth gown or cloak, lined or faced with cloth, cotton, or bays, with a fixed round collar, without ſtitching, guarding, lace, or ſilk.

To wear no pumps, ſlippers, nor ſhoes, but of

(*z*) In this order we may perceive a trace of the covenant often inſerted in indentures, of the Maſter providing the apprentice with apparel.

(*a*) Now in faſhion, amongſt a ſet of people called the Blue and Buff.

(*b*) See page 79. (*c*) See page 71.

Engliſh

Engliſh leather, without being pinked, edged, or ſtitched; nor girdles nor garters except of crewel, woollen, thread, or leather, without being garniſhed.

And to wear no ſword (*d*), dagger, or other weapon, but a knife (*e*); nor neither a ring, nor a jewel, gold, ſilver, nor ſilk, in any part of his apparel.

Rigorous as theſe laws were, and unſufferable as they would be now thought, yet any apprentice offending againſt any of the above particulars, was

(*d*) Within theſe twenty years a London journeyman did not think himſelf equipped for an aſſembly with his equals without a ſword.

(*e*) We are told that the manufacture of knives in England, was begun by one Thomas Mathews, on Fleet Bridge, in London, in the year 1563, and that it was the firſt branch of cutlery made here. But we find them mentioned in ſeveral acts of parliament two hundred years before, as we have obſerved under the years 1363 and 1388, and they are expreſsly prohibited to be imported by ſeveral acts, and by one in particular in 1562, 5 Eliz. c. 7.—See alſo 3 Edw. 4. c. 4. and 1 Ric. 3. c. 12. The Cutlers company was incorporated in 1417, and Sheffield knives are mentioned in Mr. Percy's Reliques, in 1575; but ſtill in the act for incorporating the Cutlers company of Hallamſhire in Yorkſhire in 1623, there is a penalty for making knives without putting ſteel into the edges, 21 Jac. 1. c. 31. ſo that the knives made by Mathews might be ſuch as we now uſe with ſteel. We meet with many of theſe ſeeming contradictions in the acts, which at this diſtance of time we cannot account for; as for inſtance, we have a mandate from Henry the Vth in the year 1414, to the collectors of the cuſtoms in the ports of London, and many others, not to ſuffer any gunpowder to be exported, on any pretence whatever, without his ſpecial licenſe. Yet it does not appear that any gunpowder was then made in England. 1 Anderſon, 423. However, certain it is, that England now excels all the earth in this reſpect, and ſupplies many other nations with this uſeful article of knives in great quantities. To the permiſſion given apprentices to have a knife, may be attributed the cuſtom of children when they go to ſchool, and labourers to ſervice, finding their own.

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for the firſt offence, to be puniſhed at the diſcretion of his maſter; for the ſecond he was to be publicly whipped at the hall of his company, and for the third offence, to ſerve ſix months longer than ſpecified in his indentures. And every Maſter conniving at his apprentice's violating the above ſevere decree, was to forfeit 6 *s.* 8 *d.* to the poor of the pariſh in which he dwelt (*f*).

AS to changes of habit, which were the effects of mere caprice and wantonneſs of fancy, it is impoſſible to trace them in other countries, and difficult in our own: the following particulars, however, may ſerve to ſatisfy the curious.

Party-coloured coats were firſt worn in England in the time of Henry the Firſt. Chaplets or wreaths of artificial flowers in the time of Edward the Third; from this reign to that of Mary (and perhaps later) they uſed to wear veils, faſtened to their coif, which was cloſe to the head, which fell down behind as if intended occaſionally to conceal the face, as at preſent at the back of the bonnet; the coif, head-dreſs, or coverchief, (the price of the plite (*g*) whereof among the labourers wives was not to paſs twelve pence) was uſually made of lawn imported from Sileſia, which before the introduction of muſlins

(*f*) 4 Hiſt. of Lon. 67.

(*g*) A meaſure uſed in meaſuring lawn, and moſt probably an ell, and is, as we before obſerved, agreeable to the price allowed the wives of the Scotch poor; in the year 1230 the Mayor, &c. of Oxford, out of the ferm of their town, were ordered to buy 500 ells of ruſſet cloth, at about 10 *d.* per ell, and 100 pair of hoſe for the poor.

from

from India, in 1670 (*h*), was the uſual wear together with cambricks and other fine flaxen linens from Flanders and Germany, in return for our woollen manufactures of various kinds, exported to thoſe countries in very conſiderable quantities, though we find fine linen made in Wilts and Suſſex ſo early as the year 1253. Hoods and ſhort coats without ſleeves, called taberts, or taberds (*i*), in the time of Henry the Fourth. Hats in the time of Edward the Fourth (*k*), and which in Henry the Seventh are directed not to be ſold at above twenty pence the beſt, nor any cap above 2 *s.* 8 *d.* for the beſt: and is ſuppoſed to be a more valuable or faſhionable covering for the head than a hat, then probably worn only by meaner people. In the time of Henry the Eighth the dreſs of the king and nobles was not unlike that worn by the yeomen of the guard, and was probably imitated by inferior perſons, and may be now obſerved among many Alms-people, the dreſs of whom at the time of the foundation of the charity, being that then moſt prevalent among the lower order of people. It is recorded that Ann Boleyn wore yellow mourning for Catharine of Arragon. In this reign it was enjoined (*l*), that the huſband of every woman wearing ſilk or velvet ſhould keep one ſtoned trotting-horſe. Pins, at leaſt ſuch as we now know by that name, and chiefly uſed by the ladies, came into uſe about the end of the reign of Henry the Eighth, though we find them mentioned in the time of Richard the Third (*m*), before the invention of which there were

(*h*) 2 Anderſon, 502.

(*i*) Hence the ſtudents of Queen's College in Oxford, founded by Philippa, queen of Edward III. are called Taberders.

(*k*) 22 Edw. 4. c. 5. 4 Hen. 7. c. 9.—(*l*) 34 & 35 Hen. 8, c. 5.

(*m*) 1 Ric. 3. c. 12. 34 & 35 Hen. 8. c. 6. 37 Hen. 8. c. 13.

many

many pretty and ingenious contrivances for the convenience of dreſs and ornament of both ſexes; ſuch as ribbons, loop-holes, laces with points and tags, claſps, hooks and eyes, and ſkewers made of braſs, ſilver, and gold. From the laſt, viz. ſkewers, it is very probable that pins naturally proceeded, being no other than ſmaller and more convenient and delicate ſkewers. It is remarked, that the moſt conſpicuous part of a cardinal's habit, which has been baniſhed from England ever ſince the death of Cardinal Pole, in the reign of queen Mary, is alſo now worn by the loweſt order of females, and is called a cardinal. The æra of the ruff (now in faſhion among the ladies) is about the beginning of Mary's reign, and it is ſaid they were firſt invented by a Spaniſh or Italian lady of quality, to hide a wen that grew on her neck, and very probably thence adopted by perſons of diſtinction; as the ſtock and neckcloth ſtill continued by the gentlemen in England, together with the high collar, originated from ſome ſimilar cover aſſumed perhaps for ſome ſuch purpoſe. We are informed, that ſome beaux in the reign of queen Elizabeth, had actually introduced long ſwords and high ruffs, which approached the royal ſtandard; this rouſed the jealouſy of the queen, who appointed officers to break every man's ſword, and to clip all ruffs which were beyond a certain length. James the Firſt uſed to hunt in a ruff and trowſers; in the reigns of Elizabeth and James the Firſt, the ruff was worn by clergymen and gentlemen of the law. Wrought caps or bonnets were firſt uſed here in the time of queen Elizabeth, as were alſo fans, muffs, maſks, and falſe hair (now much worn) firſt deviſed by the harlots in Italy, on which we may obſerve, that though the example ariſes among idle perſons, yet the imitation ſoon runs into all degrees. And at the ſame time were

alſo

alſo knit ſtockings, embroidered gloves, perfumes, and ſtays or boddice; but how the ſtays were made before the commodious material of the whalebone was found in the year 1593, does not appear; it is probable that ſlit pieces of cane, or of ſome tough and pliant wood might have been in uſe before: and probably moſt of the lower people wore leather doublets and ſtays, or boddice, for cheapneſs and duration, which was a conſiderable part of their entire cloathing, as is even worn at this day by numbers of labouring people. At the beginning of queen Elizabeth's reign, the citizens wives of London, who were not gentlewomen by deſcent, nor wives of aldermen, were obliged to wear knit woollen three-cornered caps, with the peaks projecting three or four inches beyond their foreheads; aldermen's wives made theirs with velvet. In this queen's reign the chief manufacture of Briſtol (*n*) was the making of points, which were a ſort of lace, (but which were ſometimes made of leather) uſed to be ſeen hanging about the waiſt, and with which they uſed to faſten their drawers; but on the introduction of buttons, the points uſed to be dangling at the knees, as were alſo ſilk garters, puffed in a large knot, as not uncommon at preſent. French hoods, bibs, and gorgets, were laid aſide by the queen of Charles the Firſt. In the beginning of the reign of Charles the Second were introduced breeches, inſtead of trunk hoſe; the breeches, or more properly the drawers, did not reach the knees, and the defect was ſupplied with long hoſe, the tops of which were faſtened under the drawers. In the Middle Temple (*o*) an order was made in the year 1557, that none of that ſociety ſhould wear great breeches in their hoſe, made after the Dutch, Spaniſh, or Almain faſhion, or

(*n*) 2 Anderſon, 151. (*o*) 4 Reeves, 573.

lawn

lawn upon their caps, or cut doublets, on pain of forfeiting 3*s.* 4*d.*; for the ſecond offence, the offender was to be expelled. Till the reign of Charles the Second they uſed to wear their ſhoes almoſt open to the toes, with laces, buttons, or ribbons, and which was the dreſs of the ancient Lombards; buckles of the preſent faſhion are ſaid not to have been introduced till the year 1633, though we find "claſps for gowns," and "buckles for ſhoes," expreſsly mentioned in an act in 1483 (*p*), and ordinary people and ſuch as affected plainneſs in their garb, continued for a long time the faſhion of laces and ribbons, though perhaps it may have been lately revived from another cauſe; and in the reign of James the Firſt they wore knots or roſes in their ſhoes, and in which Charles the Firſt appears in a whole length portrait. We find in the reign of Charles the Firſt little flimſy Spaniſh leather boots much worn by gentlemen of faſhion, and that it was ſuual for the beaux in England and France to call for their boots, and ſome think (ſince ſpurs and boots were generally worn together) their ſpurs too, when they were going to a ball; but faſhions revert; in dreſs as in other things we paſs from one extreme to another; in the higher circles a perſon would now appear as aukward (could he gain admittance) without a ſword, as another would with boots and ſpurs; from whence it will follow, that there is hardly any faſhion adopted in one age, which will not appear ridiculous in the next. And we now ſeldom ſee a gentleman of faſhion without his boots when in an undreſs, even in the middle of ſummer, and which formerly uſed to be the diſtinction between a countryman and a London beaux. It is in this preſent year 1789, the faſhion

(*p*) 1 Ric. 3. c. 12.

for the gentlemen to wear a kind of half boot, made of Spaniſh leather, and is called a Cordovan; it is lined at the top with red or green, and indented ſome with three and ſome more. It is alſo the faſhion among the ladies to wear their ſhoes chequered or ſtriped with different colours. About the beginning of the reign of Henry the Eighth, 1521, Francis I. of France being wounded in the head, by ſomething thrown from a window, was obliged to cut off his hair, which till that time was worn very long, and the beard cloſe ſhaven; however, willing to gain on one ſide what he loſt on the other, he ſuffered his beard to grow long; and from thence, it became a faſhion to wear the hair ſhort and the beard long, as may be obſerved in many of our old pictures: though beards were never more worn in England than in the tenth century; after the conqueſt they grew out of faſhion.

We find an order in the Inner Temple (*q*), in the year 1556, that no fellow of that houſe ſhould wear his beard above three weeks growth, upon pain of forfeiting twenty ſhillings. In the ſame year, 1556, it was agreed to be obſerved by all the four of Inns of Court, that none of the companions, except knights or benchers, ſhould wear in their doublets or hoſe any light colours, except ſcarlet or crimſon; nor wear any upper velvet cap, or any ſcarf or wings in their gowns, white jerkins, buſkins, or velvet ſhoes, double cuffs on their ſhirts, feathers or ribbons on their caps, on pain of forfeiting 3 *s.* 4 *d.* and for the ſecond offence, of expulſion. None of the ſaid companions, when in commons, might wear Spaniſh cloaks, ſword, buckler,

(*q*) 4 Reeves, 573.

or

or rapier, or gowns and hats, or gowns girded with a dagger on the back, upon the like pain. In the reign of Richard the Second, the people had an extravagant manner of adorning their feet. They wore the beaks or pikes of their ſhoes ſo long, that it encumbered them in their walking, and they were forced to tie them up to their knees. The gentlemen did it with chains of ſilver, or ſilver gilt; and thoſe who could not afford to be at that charge, with ſilk laces. This ridiculous faſhion had been brought in (as obſerved by Mr. Stowe) by reaſon of Richard's marrying the daughter of Weneſlaus king of Bohemia, and the Engliſh followed her example; and which was prohibited in the reign of Edward the Fourth, when an act (*r*) was paſſed, inflicting a penalty on any cordwainer or cobler, who ſhould make any ſhoes, galoches, or huſeaus, (a ſort of boot or ſpatterdaſh) with any pike or poleyn, that ſhall paſs the length of two inches, and a like penalty on the wearer, and it was alſo enacted (*s*) that none were to make pattens or clogs, for gentiles or others, of aſp fit for ſhafts.

For many curious particulars relative to Dreſs and Apparel, ſee the Rev. Mr. Grainger's Biographical Hiſtory of England.

FROM the great number of acts which we have noticed for the regulation of wages, prevention of idleneſs, ſuppreſſion of gaming, exceſs of diet and entertainments, and in general for the due ordering of the lower claſs of people, we might naturally have expected to have found the vice of DRUNKENNESS (the parent of all others) to have had a part in theſe

(*r*) 4 Edw. 4. c. 7. (*s*) 4 Edw. 4. c. 9.

regulations. This vice, (which the ancient Britons were free from) we are informed was firſt introduced into this kingdom by the Danes, to which they were much addicted, and with very miſchievous effects. Wherefore that excellent prince *Edgar* the *Peaceable*, when he ſet about reforming the manners of his people, applied himſelf very particularly to the remedy of this great evil, and ordered (*t*) ſilver or gold pins to be fixed to the ſides of their pots and cups, beyond which it was not lawful for any perſon to fill.

What penalty was affixed to the breach of this inſtitution, which was not long in force, does not appear, nor is there any puniſhment for the crime of drunkenneſs (which the preamble of one of the acts calls a loathſome and odious ſin, and the root and foundation of many other enormous ſins, as murder, &c.) till the year 1606, in the reign of James the Firſt, when it was enacted, That every perſon lawfully convicted of drunkenneſs, ſhall, for every offence, forfeit the ſum of five ſhillings, (no inconſiderable ſum in thoſe days) to be paid within a week next after his, her, or their conviction, to the hands of the churchwardens of the pariſh where the offence is committed, to the uſe of the poor. In default of payment, to be levied by diſtreſs, and in default thereof, the offender to be committed to the ſtocks, there to remain for the ſpace of ſix hours. For the ſecond offence, to be bound to his good behaviour with two ſureties, in a recognizance of ten pounds, with condition to be from thenceforth of good behaviour (*u*). This act is ſtill farther enforced by others in the ſame and following reigns (*w*), all of which are ſtill in force, with ſeve-

(*t*) 1 Rapin, 161. (*u*) 4. Jac. 1. c. 5. 1 Jac. 1. c. 9.
(*w*) 7 Jac. 1. c. 10. 21 Jac. 1. c. 7. 1 Car. 1. c. 4.

ral

ral penalties on perſons guilty of tipling, and on the inn-keepers ſuffering the ſame within their houſe. The firſt of theſe acts was made the year following the Gunpowder Plot, on which we may obſerve, that laws will neceſſarily derive their temper from the temper of the times in which they are enacted.

Thus we ſee an endeavour to remove the temptation, and, in a great meaſure, to take away from the people the very power of offending this way. And this by going to the fountain head, and endeavouring to regulate and reſtrain the ſcenes of theſe diſorders, and to confine them to thoſe uſes for which they were at firſt deſigned; namely, for the reſt, refreſhment, and convenience of travellers.

The firſt reform which was made by parliament of inns and alehouſes, was in the year 1503, in the reign of Henry the Seventh, when two juſtices (*x*) were empowered to ſuppreſs an alehouſe. But it was not till the year 1552, that a precedent licenſe was required (*y*): and in the year following the number of taverns to be kept in one town was limited, when it was enacted, that none ſhall keep a tavern for retailing wines, unleſs licenſed; and that only in cities, boroughs, towns corporate, port towns, or market towns; or in the towns of Graveſend, Sittingbourn, Tuxford, and Bagſhot, on forfeiture of ten pounds. And there were to be only two taverns or ſellers of wine by retail in any city or town, except in London (*z*), which might have forty

(*x*) 19 Hen 7. c. 12. (*y*) 5 & 6 Edw. 6. c. 25. 2 Geo. 2. c. 28. 26 Geo. 2. c. 31.

(*z*) From the evidence given at the bar of the houſe of Commons,

forty taverns; in York eight; in Briſtol ſix; in Norwich, Hull, Exeter, Glouceſter, Weſt Cheſter, Canterbury, Cambridge, and in Newcaſtle upon Tyne, four taverns each. In Weſtminſter, Lincoln, Shrewſbury, Ipſwich, Wincheſter, Oxford, and in Colcheſter, three taverns each (*a*). By this limitation, it may be thought that a pretty near gueſs may be made of the magnitude of cities and towns, allowance being made for towns ſituated on very public roads; yet, this matter is nevertheleſs ſtill very uncertain.

In the ſame act it was directed that no perſon, unleſs he could ſpend an hundred marks, in lands, tenements (*b*), or other profits, or was worth a thouſand

Commons, in the year 1750, when the melancholy conſequences of gin-drinking came under their examination, it appeared that there were about 16,000 houſes in the city of London; and that there were about 1050 licences granted yearly to victuallers, which was about one houſe to fifteen. In the city of Weſtminſter about 17,000 houſes, of which 1,300 licenſed, and 900 unlicenſed, that ſold liquors, which was about one houſe in eight. In the diviſion of Holborn 7,066 houſes, of which 1,350 licenſed and unlicenſed, being about one houſe in five, 1-4th. In St. Giles's about 2,000 houſes, and 506 gin ſhops, being above one houſe in four; and that there were beſides in the pariſh of St. Giles's about 82 twopenny houſes, of the greateſt infamy, where gin was the principal liquor drank. Total number of houſes in London, Weſtminſter, Holborn, and St. Giles', 42,066; of which were licenſed and unlicenſed, that ſold liquors 5,188, or near one houſe in eight.

(*a*) 7 Edw. 6. c. 5.

(*b*) Lands were at this time at about ten years purchaſe. And houſe-rents in England muſt have been very low, when according to archbiſhop Nicholſon's Hiſtorical Library, (who quotes the life of Sir Thomas Smith for it) "A houſe, in the very precincts of Edward the Sixth's court, in Channel Row, Weſtminſter, was let to no leſs a perſon than the comptroller of that king's houſehold, for the yearly rent of

thouſand marks, or elſe was the ſon of a duke, marquis, earl, viſcount, or baron of the realm, ſhould have or keep in his houſe any piece or veſſel of wine for his family's uſe, exceeding ten gallons, on forfeiture of ten pounds. None of the above taverns were to retail wines, to be ſpent or drank within their reſpective houſes. Merchants might uſe in their own houſes, but not to ſell, ſuch wines as they imported; alſo high ſheriffs of counties, mayor, bailiff, and ſheriff of cities and towns corporate, and perſons inhabiting of forts, might have wine by the veſſel for their own conſumption only.

This act is ſaid in the preamble to be enacted for the avoiding of many inconveniences, much evil rule, and common reſort of miſruled perſons, uſed and frequented in many taverns of late newly ſet up, in back lanes, corners, and ſuſpicious places, both in London and other towns and villages.

As extraordinary as ſeveral parts of this ſtatute may poſſibly appear at this time, they may be pretty well accounted for, not only from the ſobriety, poverty, and ſimplicity (*c*) of that age compared with ours, but alſo from the unſettled and tumultuous diſpoſition of a great part of the people; thoſe eſpecially who adhered to the old religion, and thoſe who excited commotions in moſt counties againſt

of thirty ſhillings;" even although the coins of ſilver were very little, if any at all, heavier than at this day, 2 Anderſon, 86.—We frequently meet, during the period we have been treating of, lands let from one penny up to one ſhilling per acre. 34 and 35 Hen. 8. c. 24. Though from hence, we can make no certain computation from the rates of acres, becauſe of the difference of the grounds; yet this obſervation will in ſome meaſure enable the judicious reader himſelf frequently to ſupply many explanations, which otherwiſe might be thought neceſſary to have been made where the value of the required eſtate occurs in the acts.

(*c*) 2 Anderſon, 92.

inclosures. Yet, with reſpect to the limited number of taverns, in ſeveral of the cities and towns already mentioned, we cannot now perhaps altogether clearly judge or determine the proportion of the magnitude of thoſe places therefrom. For inſtance, why Cambridge is allowed four, and Oxford but three taverns; nor ſome other points relating to this ſame act.

CHAPTER THE THIRD.

Acts of Parliament relating to Maſters and Servants, of the preſent Century, and now in Force.

AFTER theſe few remarks on the manners and dreſs of paſt ages, let us briefly conſider what has been done reſpecting ſervants, in the preſent century.

1707. In the act for the better preventing miſchiefs that may happen by fire, it is enacted, that if any menial or other ſervant, through negligence or careleſſneſs ſhall fire, or cauſe to be fired, any dwelling-houſe or out-houſe, and be convicted thereof by oath of one witneſs, before two juſtices, he ſhall forfeit 100 *l.* to the churchwardens, to be diſtributed amongſt the ſufferers by ſuch fire; and if he ſhall not pay the ſame immediately, on demand of the churchwardens, he ſhall be committed by the ſaid Juſtices to ſome workhouſe or houſe of correction for eighteen months, there to be kept to hard labour (*a*).

Though there are few fires in London but what ariſe from the negligence of ſervants, yet this law, on account of its great ſeverity, is ſeldom or never put in execution. But if this penalty were to be altered to forty ſhillings, and the impriſonment to one month, there would be more examples made, conſequently it would excite more care and caution in domeſtics (*b*).

(*a*) 6 Ann. c. 31. (*b*) Fielding, 421.

1747.

1747. By conſtruction of the law upon the ſtatute of the 5th of Eliz. the Juſtices had a power of compelling the payment of the wages which they had rated and aſſeſſed; but the ſaid ſtatute being deficient in two material points, to wit, in extending only to ſuch wages as ſhould be rated, and to ſervants in huſbandry only; and moreover, there being therein no power to admit the ſervant's oath as evidence; it was enacted, as follows:

That all complaints, differences and diſputes between Maſters and Servants in huſbandry, hired for a year (or for a leſs time) or between maſters and artificers, handicraftſmen, miners, colliers, keelmen, pitmen, glaſſmen, potters, and other labourers employed for any certain time, or in any other manner; ſhall be determined by one Juſtice, where the Maſter or Miſtreſs ſhall inhabit, although no rate or aſſeſſment of wages has been made that year; which Juſtice ſhall examine on oath any ſuch ſervant, or other the ſaid perſons, or any other witneſs, touching ſuch complaint, and ſhall make ſuch order for payment of wages, as to him ſhall ſeem juſt and reaſonable, provided that the ſum in queſtion do not exceed ten pounds with regard to any ſervant, nor five pounds with regard to any other perſons before mentioned; and in caſe of non-payment for *twenty-one* days, ſuch Juſtice may iſſue his warrant to levy the ſame by diſtreſs.

And, by the ſaid ſtatute, ſuch Juſtice on application or complaint on oath by any Maſter, Miſtreſs, or Employer, againſt any ſuch ſervant, artificer, handicraftſman, miner, collier, keelman, pitman, glaſsman, potter, or other labourer, concerning any miſdemeanor or miſcarriage, or ill behaviour, in ſuch his ſervice or employment, may hear and determine the ſame, and puniſh the offender by commitment

commitment to the houſe of correction, there to remain and be corrected, and held to hard labour not exceeding one calendar month, or otherwiſe by abating ſome part of his wages, or by diſcharging ſuch ſervant or other the ſaid perſons from their ſervice or employment.

And in like manner, ſuch Juſtice, on complaint or application on oath by any ſuch ſervant, artificer, handicraftſman, miner, collier, keelman, pitman, glaſſman, potter, or other labourer, againſt ſuch Maſter, Miſtreſs, or Employer, concerning any miſuſage, refuſal of neceſſary proviſion, cruelty, or other ill treatment, may ſummon ſuch Maſter, Miſtreſs, or Employer to appear before him at a reaſonable time, to be prefixed in ſuch ſummons; and he ſhall examine into the matter of ſuch complaint, whether ſuch Maſter, Miſtreſs, or Employer, ſhall appear or not, proof being made upon oath of their being duly ſummoned; and upon proof thereof made upon oath to his ſatisfaction, may diſcharge ſuch ſervant, or other perſon aforeſaid, from his ſervice and employment, which diſcharge ſhall be given under his hand and ſeal *gratis*.

If any perſon ſhall think himſelf aggrieved by ſuch determination, order, or warrant of ſuch Juſtice (except any order of commitment) he may appeal to the next quarter ſeſſions, who may award coſts to either party, not exceeding forty ſhillings, to be levied by diſtreſs in manner before mentioned.

And no Certiorari ſhall iſſue to remove any proceedings hereupon. Provided, that nothing herein ſhall extend to the ſtannaries in Devon and Cornwall (*c*).

(*c*) 20 Geo. 2. c. 19. 31 Geo. 2. c. 11.

This ſtatute is extremely inconvenient for the recovery of the wages of ſervants or labourers by allowing the ſpace of *twenty-one* days after the order of payment thereof, before diſtreſs can be made, which gives the Maſter time to make away with his effects, and particularly in the caſe of hay-makers and artificers, having finiſhed their work, and removing to a diſtant part, to be obliged to wait three weeks, and poſſibly not receive their wages at laſt, is troubleſome and vexatious, and makes many poor labourers go home without their wages, or accept an iniquitous compoſition. Therefore the diſtreſs ought to be immediate, upon refuſal to pay according to the order.

And by the ſaid ſtatute the puniſhment of a ſervant miſbehaving, is to be either by commitment to the houſe of correction, or otherwiſe by abating part of his wages, or by diſcharging him. It ſeemeth that it ought to be by all or any of theſe ways; for one of them ſingly is often not adequate to the offence (*d*).

1757. In order to put a ſtop to gaming among journeymen, labourers, ſervants, or apprentices, publicans who ſhall knowingly ſuffer any ſuch to play at cards, dice, draughts, ſhuttleboards, Miſſiſſippi, or billiard-tables, ſkittles, ninepins, or any other implements of gaming, in their houſes, out-houſes, grounds, or apartments, and ſhall be convicted thereof, on confeſſion, or oath of one witneſs before one Juſtice, within ſix days after the offence committed, he ſhall forfeit forty ſhillings for the firſt offence, and for every ſubſequent offence ten pounds, to be levied by diſtreſs and ſale on a Juſtice's warrant; one-fourth to the informer, and

(*d*) Burn's Obſ. 288.

the

the reſt to the poor, to be paid to the church-wardens.

If complaint be made of any journeyman, labourer, ſervant, or apprentice, gaming in ſuch houſe, outhouſe, ground, or apartment, the Juſtice ſhall grant a warrant to apprehend the offender, who, upon conviction, ſhall forfeit any ſum not leſs than five ſhillings, nor more than twenty ſhillings, at the diſcretion of the magiſtrate, one-fourth to the informer, the reſt to the poor. Upon non-payment forthwith of the forfeiture the offender to be committed to hard labour, for any time not exceeding one month, or till the forfeiture is paid (*e*).

Here we beg leave to make an obſervation on an evil which, in another clauſe, this act, though little attended to, might partly tend to remedy.

When ſervants leave their places, the property of their livery frequently begets very diſagreeable diſputes, from the miſtaken opinion that a ſervant having wore his livery a year, entitles him to it: indeed, it is the cuſtom of moſt families to give their ſervants the old livery, when they ſtay long enough to have new; but this is the maſter's pleaſure, not the ſervant's right, unleſs the ſervant make it a part of his agreement when he hires himſelf: a ſervant carrying away his livery without conſent of his Maſter or Miſtreſs, is liable to an action, but which we think ought to be made a miſdemeanor, and puniſhable by impriſonment; and if he pawn, ſell, or unlawfully diſpoſe of any part of the ſame (or of any other goods or chattels) he ſubjects himſelf to be taken up by a warrant, to be

(*e*) 30 Geo. 2. c. 24.

carried before a Juſtice of the peace, to pay a penalty of twenty ſhillings, or to be committed to Bridewell for fourteen days, and to be publicly whipt (*f*).

1766. If any artificer, callico-printer, handicraftſman, miner, keelman, pitman, glaſsman, potter, labourer, or other perſon, ſhall contract with any perſon for any time or term, and ſhall abſent himſelf from his ſervice before the term of his contract ſhall be compleated, or be guilty of any other miſdemeanor, it ſhall be lawful for one Juſtice of the peace, of the county or place where ſuch offender ſhall be found, on complaint upon oath to him made by ſuch Maſter, or by his Steward or Agent, to iſſue his warrant to apprehend ſuch perſon complained of, and to examine into the nature of the complaint; and if it ſhall appear to ſuch Juſtice, that the perſon complained of hath not fulfilled his contract, or hath been guilty of any miſdemeanor, the ſaid Juſtice ſhall commit the party to the houſe of correction, for the county or place where ſuch *Juſtice ſhall reſide*, for any time not exceeding three months, nor leſs than one month (*g*).

Perſons aggrieved by ſuch determination, order, or warrant of the Juſtice (except any order of commitment) may appeal to the next ſeſſions, giving ſix days notice to the Juſtice, and to the parties, and entering into recognizance, within three days after ſuch notice, before a Juſtice, with ſufficient ſurety, to try the appeal at, and abide the order or judgment of, and pay ſuch coſts as ſhall be awarded by the Juſtices at ſuch ſeſſions; which ſaid Juſtices, at their ſaid ſeſſions, on proof of ſuch notice

(*f*) Fielding, 142. 33 Hen. 8. c. 1.
(*g*) 6 Geo 3. c. 25.

given,

given, and of entering into ſuch recognizance, ſhall hear and determine the appeal, and give ſuch relief and coſts to either party, as they ſhall judge reaſonable, and their determination ſhall be final and concluſive to all parties concerned.

Provided, that nothing herein ſhall extend to the ſtannaries in Devon and Cornwall.

There ſeems to be a miſtake in penning this act, by directing the ſervant to be committed to the houſe of correction, for the county or place where the *Juſtice* ſhall reſide, which may be often attended with great inconvenience, in caſes daily occurring, of gentlemen reſiding in one county, and acting as a magiſtrate in an adjoining county, without being in the commiſſion for the county wherein they reſide, though perhaps within a quarter of a mile of their own houſe: the Juſtice, it ſhould ſeem by this act, in ſuch caſe, has only power to hear the complaint, but none to commit; but even ſuppoſing he is in each commiſſion, yet it is clear he cannot hear the complaint in one county, and commit the ſervant to the houſe of correction of another.

If in this act as well as the former one of 20 Geo. II. inſtead of ſervants in huſbandry, it had been ſaid ſervants in general, it would have extended the law to all domeſtic ſervants whatever, and have ſubjected them, as well as their Maſters and Miſtreſſes, to have their miſconduct and behaviour, and diſputes about wages, &c. to be enquired into by the magiſtrates (*b*); it being but juſt and reaſonable that ſuch ſervants ſhould be equally liable to ſuch and the ſame juriſdiction for their faults and miſdemeanors, and that the ſame

(*b*) Fielding, 141.

law

law which ſhall reduce them to better order, ſhould provide for their ſecurity, and that they ſhould have the ſame advantages in recovering their wages as common day labourers and ſervants in huſbandry, and not be obliged, as they are at preſent, to have recourſe to the tedious and expenſive method of an action at common law; and it cannot but be acknowledged that the firſt great duty, incumbent on Maſters, is ſtrictly and punctually to abide by their contract, and to reward the ſervant for his labour, according to the agreement made between them: and we apprehend ſome clauſes might be ſo contrived as not to infringe on the reſpect due to perſons of ſuperior rank.

CHAPTER THE FOURTH.

The Evils attending the preſent Syſtem of Servants; in particular, the forging and counterfeiting of Certificates of Servants Characters; and the Advantages that would ariſe to Employers and good Servants, on an Act of Parliament being paſſed to ſtop ſuch Evils.

THE body of domeſtic ſervants is very large (*i*), and at preſent without any peculiar regulation; and for the want of which much matter of complaint ariſes in private families, through the miſbehaviour of ſervants. But much of this complaint might ſurely be obviated, were the employers of ſervants ſufficiently attentive to what nearly concerns their own domeſtic comfort; to the encouragement of ſervants really meritorious, and the diſcouraging of ſervants, who though not abſolutely diſhoneſt, may be knaviſh, prodigal, inſolent, vicious, as the experience of every day proves very many of ſervants in the metropolis to be. The neglect of CHARACTER in recommending or receiving ſervants is the great ſource of miſchief, the moſt noxious bane of ſocial happineſs in this city, if not in the country at large. The uſual excuſe of thoſe,

(*i*) The author of the Addreſs to People of Rank and Fortune ſays, "Dependants in this populous and poliſhed place, "including journeymen, apprentices, day-labourers, menials "and domeſtics of every deſcription, conſtitute at leaſt two-"thirds of the whole inhabitants." Page 35.

who diſregard CHARACTER in recommendation of ſervants, is that from tenderneſs they ſhould not expoſe faults to the prejudice of ſervants. But is no tenderneſs due to the peace of families? or are the undeſerving to be regarded with falſe lenity, to the injury of maſters who may be diſturbed or perhaps more materially injured by ſuch miſplaced and miſtaken delicacy? It is one thing to note trifling foibles; it is another to remark palpable faults. Whoever conceals the faults of a ſervant, which occaſioned diſmiſſion, acts in a manner diſingenuous in itſelf, inimical to ſociety, and productive of ſerious evils in its conſequences. But if bare concealment of faults be culpable, doubly reprehenſible, becauſe doubly miſchievous, is the intimating of approbation in a ſervant who is diſmiſſed for abſolute miſbehaviour. This miſrepreſentation of fact can never be juſtified on any principle; not on policy, for it tends to general depravity in ſervants, the effect of which is injury to maſters; not on tenderneſs, for it is cruelty towards the innocent; not on honour, for it is the very extreme of diſingenuity. It were then moſt ſincerely to be wiſhed that maſters would pay the ſtricteſt attention to CHARACTER in the recommending and receiving of ſervants, as from neglect in this particular ariſes no inconſiderable ſhare of the evils attending the ſervile ſyſtem.

But of all the evils with reſpect to the characters of ſervants, there is not one exiſting ſo great and pernicious as the facility and impunity with which *counterfeit* characters, both verbal and written, have been long given, by a certain ſet of worthleſs perſons taking upon themſelves falſe names and pretended ſtations. To ſuch deception, no law hitherto enacted can extend due, if any puniſhment, unleſs under the general idea of impoſture. This particular

cular ſpecies of impoſture might be marked out, and made adequately puniſhable by an expreſs act of legiſlature. *And to Parliament it is ſubmitted, whether it would not be proper to paſs ſome act, whereby both a perſon who ſhall falſely aſſume the name or character of an employer, or do any other act with intent to deceive any one willing to hire a ſervant; and alſo a ſervant offering himſelf with a forged or counterfeited certificate of his character, ſhould be liable to a heavy penalty or exemplary puniſhment* *.

Thoſe who reſide much in the Metropolis and its vicinity, can be no ſtrangers to the artifices related of counterfeit characters, nor can they be unconcerned ſpectators or hearers of the miſchievous conſequences thence ariſing. There are not wanting inſtances of fires occaſioned and robberies committed by ſervants, who have been fallaciouſly recommended and credulouſly hired †; and among the many other inſtances which have already come to our knowledge, we only mention that it was lately aſſerted during the examination of a ſervant at the office in Bow-ſtreet, Covent Garden, in conſequence of a robbery of this nature at the houſe of a gentleman, which was plundered of 200 *l.* worth of plate and valuables, that the perſon who gave the ſervant a *good* character under pretence of himſelf leaving England, and having no further occaſion for him, made upwards of an 100 *l.* a year by ſuch traffic; and it has been long well known, that characters are ſold at all prices, from half a crown to five guineas. From hence, no doubt, ariſe moſt of the houſe robberies committed both in the Metropolis and the country: for as laws and ſubordination,

* See page 121.

† Near one-third of the priſoners tried during the laſt twelve months at the Old Bailey were ſervants for robbing their maſters, the major part of whom were hired with forged and counterfeit certificates of their characters, to the great injury of the truly honeſt and deſerving ſervants.

no leſs than poliſhed manners taking their riſe in cities, diffuſe themſelves through the reſt of the ſociety, ſo the virtues and vices of the ſervants of the Metropolis ſoon ſpread into the country, whither they are always going, and from whence it will appear that even thoſe gentlemen who are chiefly reſident in the country, are much intereſted in the event of the propoſed act.

The great diſproportion of births and burials in the Metropolis (*k*), ſufficiently demonſtrates the neceſſity of frequent ſupplies of ſervants and labourers from the country; and it is of the laſt importance, that thoſe ſupplies be drawn from the honeſt and induſtrious. And ſome method to induce theſe to come, and to reſtrain the idle and diſſolute

(*k*) The following table is founded on the reports of the Weſtminſter General Diſpenſary, by R. Bland, M. D. made with a view to ſhew the proportion of natives to perſons born in the different counties of England and Wales, in Scotland, Ireland, or foreign countries:

Of 3236 married perſons,
824 or one-fourth were born in London.
1870 or fourth-ſevenths in the different counties of England and Wales.
209 or one in 15 in Scotland.
280 or one in 11 in Ireland.
53 or one in 60 were foreigners.

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Of the above number the Males and Females were in the following proportions:

Men		Women		
329	were born in London, and	495	or 166	more than men.
952	— in different counties,	917	or 35	fewer than men
135	— in Scotland —	74	or 61	fewer than men
162	— in Ireland —	119	or 43	fewer than men
40	— were foreigners —	13	or 27	fewer than men
1618		1618	166	

See Philoſophical Tranſactions, vol. 71; and Annual Regiſter, vol. 25.

is of great conſequence, not only to private families who muſt be ſupplied from this ſource, but to the police of the town. Indiſcriminate migrations are in their conſequences bad; for as the good ſervant may be here greatly improved and rendered more uſeful, ſo the minds of thoſe who are corrupted by bad principles and looſe practices, will ſoon improve in the arts of villainy to the public nuiſance, and their own deſtruction. The motives on which two ſervants differing in diſpoſition come to London are theſe; the firſt wiſhing to improve himſelf in his circumſtances, comes with an honeſt and laudable intention; the other, finding his continuance in the country unſafe, flies to the Metropolis to conceal himſelf, and practiſe his knavery. But it is conceived, that ſuch an act of the Legiſlature would be of great uſe to the honeſt and induſtrious ſervant, who would come with greater confidence to aſk for employment, if furniſhed with a real certificate of his character from his laſt employer, than if he had no ſuch recommendation: and this might in time produce an effectual reformation in the behaviour of ſervants and labourers in the country, eſpecially in the riſing generation; for when they ſaw that good conduct would enable them to go where their intereſt or inclination may lead, and a bad one would ſubject them to a kind of impriſonment in their own particular pariſh, it may ſo ſtrongly operate upon their minds, that the idleneſs and pilfering ſo much complained of in the country, may greatly ceaſe, and the Metropolis be no farther annoyed and peſtered by looſe and diſorderly ſervants: and it is apprehended, that ſuch an act would open a fair channel of preferment for every faithful, induſtrious and diligent ſervant, and would effectually prevent diſſolute ſervants from admiſſion into quiet and reſpectable families, and check that roving diſpoſition at preſent ſo prevalent among this rank of people.

By the act of Elizabeth, ſtill in force, no labourer, ſervant, or artificer, is to depart (*l*) out of his reſpective pariſh, after the end of the term for which he was hired, without a teſtimonial to ſerve elſewhere, nor be retained without ſhewing ſuch teſtimonial, on pain of 5 *l.* to be levied on the Maſter hiring, and impriſonment and whipping to be inflicted on the ſervant as a vagabond. However this law might be objected to, becauſe its ſpirit was congenial with the Feudal Syſtem, yet it was well conceived, as it enforced a neceſſity of caution in forming engagements with ſervants; and this law muſt have produced the ſame effect as though it had expreſsly enacted, that a ſervant ſhould *not* be hired without a character. That caution, which no law does now in expreſs terms enact, common ſenſe moſt ſtrongly recommends, and public concern for general utility ſhould warmly adopt. No ſervant ſhould be taken without a character given in the moſt explicit terms, by the Maſter who laſt employed him. It is an obſervation of a noble and ſenſible author (*m*), " That a perſon who " gives a ſervant a character which he is not enti- " tled to, is acceſſary to the next robbery he com- " mits, and ought, in his opinion, to be deemed " little leſs than an acceſſary by the law: for the " ſervant who opens the door of his maſter's houſe " to the thief who plunders it, differs from you only " in the motive: the conſequences are the ſame." He ſays, " That the anſwer uſually given on theſe " occaſions is, that they knew the ſervant to be a " ſad fellow, by the tricks he had played them; " but that they would not ſay a word of it, becauſe " they thought it *wicked* to hinder him of a place; " and he conceives it to be but a *wicked world*, when

(*l*) See 23 Edw. 3. c. 2. 12 Rich. 2. c. 3. 23 Hen. 6. c. 13. 27 Hen. 8. c. 25. 14 Eliz. c. 5.

(*m*) Cheſterfield. See the World, vol. iii. N° 87, and vol. iv. N° 129.

" gentlemen

" gentlemen will help thieves and robbers to get " into people's houſes; and that a bare acquittal at " the Old Bailey is a better recommendation than " that of ſuch a friend." It would not perhaps be very eaſy to get this author's ideas paſſed into a law in the Britiſh parliament, but ſtill it may not perhaps be amiſs to mention, that our neighbours in Ireland have a law (*n*), whereby a maſter is to give his ſervant a diſcharge on his leaving his ſervice; and no perſon is to engage with or hire a ſervant, without his producing a diſcharge from his former Maſter, under the penalty of 5*l.*; and if a Maſter ſhould be ſo abſurdly indulgent, or unſeaſonably indifferent as to give ſuch ſervant a certificate of honeſty, knowing him not to deſerve a good character, he may be ſued for damages by the families, which the ſervant ſo recommended by him may have injured by fraudulent practices. This law of Ireland ſeems to have been taken from our old acts of parliament; and from its being enacted fifty years previous to being made perpetual, ſeems to be an indication of its propriety and utility in that kingdom. By the common law of England, if a man retained another's ſervant, not knowing he was retained with him, this ignorance excuſed him of the offence; but by the act of Elizabeth, the Maſter muſt take notice, whether the ſervant hath a teſti-

(*n*) By the Iriſh Act, 2 Geo. 1. cap. 17. made perpetual by 5 Geo. 3. cap. 15. every Maſter is to give his ſervant a diſcharge at putting away a ſervant, or on the ſervant's leaving him. And no perſon is to hire a ſervant without a diſcharge from the perſon laſt ſerved, under the penalty of 5 *l.* If a Maſter refuſes to give his ſervant a diſcharge, he may apply to a Juſtice of the Peace, who is either to write a letter or iſſue his ſummons to the Maſter, to enquire the cauſe of ſuch refuſal, which is to be ſpecified in a diſcharge, which the Juſtice in that caſe is empowered to give ſuch ſervant; and any ſervant counterfeiting a diſcharge, is liable to three months impriſonment, and whipping on the market-day through the ſtreets.

monial, (i. e. a diſcharge) or otherwiſe, if he hath no teſtimonial, ſuch Maſter hiring, is liable to the penalty of 5*l.* or the former Maſter may bring his action at common law. This act indeed extends no further than to the trades mentioned therein; but the good effects that would be derived on extending it to menial and domeſtic ſervants, are evident, and would alone nearly put a ſtop to the evils we before complained of, the *forging* and *counterfeiting* certificates of ſervants characters, and would be only reviving the former acts, and extending that of Elizabeth. There is alſo another good effect which ſuch an extenſion would have, it would alſo nearly put a ſtop to the too common practice of *inveigling* and artfully underhand *enticing* ſervants from their preſent ſervitude; which is certainly unjuſt, and to call it by no other name, very unfair, ungenerous treatment, and there cannot be a greater infringement on domeſtic œconomy than ſuch a practice.

The little attention paid in our own country to this moſt important circumſtance, particularly tends to make ſervants careleſs in their behaviour; they are indifferent about retaining or quitting their place of ſervice; they apprehend no ill conſequence from change of ſituation; they feel no uneaſineſs leſt want of good character ſhould obſtruct their future welfare. It is with great probability preſumed, that were a proper attention paid to ſervants characters, though thence could not be eradicated from the common people their vices (and by what means could they?) yet much force would be derived towards amending their morals, and much ſtrength be added, to what has already been done for promoting ſobriety and good manners.

There is yet another conſideration which might be mentioned: we hear frequent complaints of the diſſatisfied

diſſatisfied temper and covetouſneſs of ſervants, and the exorbitant wages they uſually demand. Now, it ſeems very probable, that a proper attention to their characters would make a great alteration in that particular: it would render them more modeſt in their demands, and would teach them to look rather for ſervices, in which they could foreſee a likelihood to continue long, than one where they may get the moſt plunder: ſo that in this reſpect Maſters would in ſome meaſure be gainers.

It is well known, that many of the evils generally complained of, have been occaſioned by the bad practices carried on by *Regiſter Offices*; the firſt eſtabliſhment of which in the Metropolis was, by *Mr. Henry Fielding*, *Sir John Fielding*, and other gentlemen, who conducted it with credit to themſelves and advantage to the public, and which offices were eſtabliſhed on the principles recommended by *Montaigne* in his eſſays (lib. 1. c. 34.) who laments the want of ſuch an office as a great defect in the French government. But good as were the principles of that eſtabliſhment, the manner in which it has ſince been conducted has perverted the utility of the plan. Had the ſyſtem laid down by *Meſſrs. Fielding* been regularly purſued, Regiſter Offices certainly would have been of great benefit; but the innovations which have been made in the ſyſtem, demand moſt ſerious attention. But it is not meant to inſinuate in this remark, that every Regiſter Office is alike culpable; we doubt not but that there are ſome which are carried on with honor and propriety to their employers, who would ſcorn the mean and mercenary ways often practiſed; and which, it is hoped, the Legiſlature by paſſing the propoſed Act will effectually prevent.

The practice in the common *Regiſter Offices* of deceiving

deceiving poor deluded female ſervants, particularly claims attention, as it is a grand ſource of infinite miſchief. From a perſuaſion that the proprietors of thoſe offices can at any time procure them places, their behaviour to their employers becomes intolerable, and they are diſcharged without a character; they have again recourſe to the regiſter-office, and with the help of a falſe character get into another, and ſeveral other places ſucceſſively; this they continue ſo long as their firſt ſavings will laſt to maintain them in lodgings; to which, when out of place they are obliged to go, as they are chiefly far diſtant from their friends in the country; but as this cannot long be carried on when their faces become familiar, they from fatal neceſſity become a prey to their own paſſions, the pimp, and the debauchee; and this is one of the chief cauſes which throw ſo many abandoned women on the town; and we beg leave to mention the number of raw country ſervants of both ſexes, that would be preſerved from ruin, as not the leaſt among many other advantages that would ariſe to the public from the propoſed Act. If *Regiſter Offices* are neceſſary (as perhaps they are) they ought to be under ſome better regulation; and not to be left at liberty to impoſe a profligate woman, or a villain, upon a family, where one or the other may prove the deſtruction of it. The obſervation before made with regard to the diſproportion of births and burials in the metropolis in this reſpect, is ſtronger with regard to female than male ſervants. The infinite variety of profeſſions, trades, and manufactures, joined to the army, navy, and ſervices, leave few men idle, unleſs from choice: whilſt women have (from the circumſtance of very improperly and unſuitably employing men in a variety of branches, where female attention would be adequate, and female hands better qualified) but few trades, and fewer manufactures to employ them: hence it is, that the general reſource of

young women is to go to ſervice; and for this reaſon there is always in London a very conſiderable number of women not in ſervice; notwithſtanding which, the uſeful houſewifery ſervants, commonly called maids of all work, are not ſufficiently numerous to ſupply the wants of the families in town. The body of ſervants therefore that are chiefly unemployed and out of place, are thoſe of a higher nature, ſuch as waiting maids, &c. whoſe numbers far exceed the places at which they aim: and it is but juſtice to thoſe females who chance to be born or bred in London, to obſerve the too common practice of employers who live in town, that will take no other than country ſervants, and that without characters, only becauſe they come from the country: not conſidering that they ſeldom leave the country without ſome reaſon, which they do not chuſe ſhould be known: while a poor girl who has the misfortune to be born in London, cannot get a place, becauſe ſhe knows the town; which is a caſe hard and cruel. But ſtill people are not aware to what impoſitions they are liable: for the ſervant-maids of London are well apprized of the eagerneſs of maſters and miſtreſſes, to ſecure ſervants who are ſaid to have come recently from the country; and therefore, when their miſconduct has made it difficult for them to get a ſervice, they go out of town, and return ſhortly after, well recommended by one who knows all their relations to be extremely honeſt, &c.; they get a place, and may be induced to ſtay, if the place ſuits them, if otherwiſe, they quit at a moment's warning, and get into another family, of which, while they happen to continue in it, they are to make the moſt that they every way can for themſelves.

We would not be ſo far miſtaken, as to be ſuppoſed to be the enemies of ſervants. We aim at nothing more than to point out a plan, whereby the

the *truly good* ſervant (of whom there are doubtleſs many of both ſexes) may be diſtinguiſhed from the worſt claſs, and who are undeſerving of good characters; and of making thoſe who are deſerving, happy in their ſtations, and of merit ſufficient to recommend themſelves to the favor of thoſe who can, and ought to reward them. And we muſt farther obſerve, that it is not meant that any conſtraint ſhould be laid on employers, for either the giving or receiving of characters of ſervants, nor on the ſervants themſelves to uſe them; for theſe particulars we think ought to be left to the free choice of the parties: but only when characters ſhall be uſed, that they may not be *counterfeited* as before ſtated; therefore we conſide, that when an Act ſhall be propoſed for the purpoſe of putting a ſtop to the pernicious practices of *forging* and *counterfeiting* certificates of ſervants characters, it will be found equally unobjectionable on the part both of employers and ſervants.

If it is allowed that the reformation of the laws, reſpecting ſervants, is become neceſſary, the importance of the ſubject will encourage thoſe who have a regard for the intereſt of ſociety to attempt it; and it is preſumed that it will not be unſeaſonable, at this time, to offer the above hints, as the preſent period ſeems, from many concurring circumſtances, to encourage the endeavour.

And, as all are intereſted in the welfare of their fellow-ſubjects, all therefore ſhould co-operate, in their different departments, to effect the ſalutary purpoſe; to procure ſuch laws to be framed, as may enforce the principles of juſtice and virtue, and, by the prudent correction of ſlight delinquencies, may prevent the commiſſion of more enormous crimes, and make effectual proviſion for the peace and good order of ſociety.

CHAPTER THE FIFTH.

Concluſion—*Containing ſome Account of the Society eſtabliſhed for the Encouragement and Increaſe of good Servants, and to render the Means of regular Families obtaining good Servants more effectual than the Modes hitherto practiſed.*

SUCH then are the evils, which at preſent attend the ſyſtem of ſervants; evils they are, which greatly diſturb domeſtic tranquillity by occaſioning juſt ſuſpicions, or at leaſt jealouſies, of the perſons perpetually near their employers; evils which more than any cauſes, propagate that villainy ſo prevalent in the Metropolis, and thence ſo deſtructive to the community. If Parliament would in its wiſdom adopt ſome plan for remedying theſe evils, the community at large, the Metropolis in particular, would be conſiderably benefited. There is much room to hope that Parliament will adopt ſome plan: in the mean time however, we beg leave to ſubmit to the public ſome account of a SOCIETY, which many Gentlemen of character and fortune, actuated by conviction of the evils exiſting as here repreſented, and by a patriotic deſire to diminiſh ſuch evils, have formed for the purpoſe of giving encouragement to good ſervants; whereby they hope in time, eſpecially if aided by the aſſiſtance of the Legiſlature, to relieve the public from the inconvenience ſo generally complained of, by ſuch means as may reward the diligent and the faithful, and that, in a great meaſure, proportionably to their induſtry and honeſty; and it is preſumed, that perſons in ſituations which require a conſiderable

retinue, will look with a very favourable eye upon any attempt towards obtaining an effect ſo much deſired (*o*), and will encourage a plan which profeſſes to conſult the mutual intereſts of Maſters, Miſtreſſes, and ſervants, both male and female, and which immediately relates to the domeſtic œconomy of every perſon who maintains, or even lives in a family.

The baſis of the plan of the Society here recommended, *is a ſettled form of the certificate of a ſervant's character*, to be certified by the laſt employer, being a perſon of known good reputation, and duly filled up, agreeably to the form preſcribed by the Society, which is to entitle the ſervant of every denomination to be regiſtered at an office under the inſpection of the Society, where ſuch ſervants only are to be regiſtered as obtain ſuch certificates, and (if poſſible) placed in ſervice with a member, without any expence to them.

If the plan is approved and adopted, it is propoſed to open a ſubſcription for raiſing a fund for the future relief of ſuch deſerving and approved ſervants, as may be judged worthy objects thereof. Long and approved ſervice in the family of a ſubſcriber, or of two or more ſubſcribers ſucceſſively, is to entitle a ſervant to relief, according to the nature of the caſe, and the ſtate of the fund, if by ſickneſs, accidents, or infirmities of old age, they are rendered unfit for, or diſabled from earning their livelihood, the object of this Society being to eſtabliſh a juſt preference and encouragement for good ſervants, and thereby promote if poſſible an improvement among thoſe who are leſs deſerving; and that although the number of ſervants who can be

(*o*) Addreſs to People of Rank and Fortune, page 27.

benefited

benefited by this particular ſituation with ſubſcribing members, may not be great, at leaſt for ſome time, yet the advantage both to ſervants and their employers, from a ſtrict adherence to the form of the certificate of their character, may become extenſive.

With a view of diſcrediting the plan of this Society, it has been ſaid, that it has been long in agitation, and found to be impracticable: but every good deſign, at firſt ſetting out, muſt expect to meet with difficulties and oppoſition. It is well known how many cauſes concur to make objections be received with approbation. All men are not alike benevolent and generous. But difficulties are not, nor ought to be, obſtructions to real good; timidity on this account is deſtructive of every great and noble attempt. Were men deterred by difficulties, or diſcouraged by imaginary oppoſitions, what important work would ever be performed? what good deſign would ever be put in execution? The projector of the Foundling Hoſpital perſevered, it is known, for many years, amidſt every diſcouraging circumſtance. Leſs perſeverance had not bleſt the nation with that excellent charity. And why ſhould not the projectors of the preſent Society, whoſe benevolence, judgment, and experience, ought to recommend it, hope for and meet with the ſame encouragement for their truly liberal and patriotic motives.

Again, it is ſaid, that honeſt, ſober, and induſtrious ſervants, with a fair character, can have no occaſion to apply to an office; for the very tradeſmen who ſerved the families they live in, will be ready to oblige another family, by recommending a good ſervant; and when their leaving the family is only occaſioned by any accidental change in the

the ſituation, or circumſtances of that family; they may be certain of employment, without any other aſſiſtance. With all due ſubmiſſion to thoſe who make this objection to this part of the plan, the very argument they uſe againſt it, to thoſe who are acquainted with the practices between *ſome* tradeſmen and ſervants, will induce them to encourage the plan the more freely; beſides how is it hardly poſſible for any one to give a fair and juſt character of another's ſervant? All that a third perſon can ſay is (except purpoſely informed by the perſon the ſervant laſt ſerved) that he has known him for ſo long, and never heard any complaint alledged againſt him.

It would perhaps require a vaſt ſum to carry this ſcheme to its utmoſt extent; but it is evident, from the many aſſociations for charitable purpoſes in this metropolis, that much good may be effected by the exertions of a few; the aſtoniſhing ſucceſs of the lately eſtabliſhed inſtitution, the *Philanthropic Society* for the *prevention of crimes*, and for a *reform among the poor* (*q*), is a ſufficient teſtimony thereof. The bleſſing of God evidently follows that inſtitution, where a well regulated zeal co-operates with it; and we may reaſonably hope for the ſame ſucceſs to this Society, ſince the improvement of morals is the ultimate object of each of them. Although few can partake of the actual diſtribution of the benefits ariſing from this Society, yet the hope and expectation may ſpread wider, ſo as to have an influence upon the generality of ſervants. The very name of ſuch a Society, will, it is preſumed, have effect, and bind them, as it were, to their good behaviour, without the terrors of the law. Long con-

(*q*) See the firſt Report publiſhed in June 1789, price 1s.

tinuance

tinuance in place, a good name, and future proviſion, are the benefits which ſervants may expect from the ſucceſs of this Society. It is therefore preſumed, that all good ſervants will promote it as far as the ſucceſs of the plan may depend upon them.

Many arguments might be drawn from that tenderneſs, charity, and compaſſion, which ſhould be ſhewn to perſons in inferior ſtations, by thoſe who are bleſſed with more eaſy fortunes; but it is hoped in this preſent age, there is no need to be prolix on thoſe topics, eſpecially in a deſign like this, where ſo great utility is likely to accrue to the public; for, whatever emolument private perſons may reap from this inſtitution (and which is the only one in the Metropolis, wherein the members and the objects are equally benefited) the public will alſo reap great advantage from it, by that change of manners, which, it is to be hoped, will thereby be introduced. Without all doubt, whatever contributes to the public ſervice, does, at the ſame time, and in the ſame degree, promote the happineſs of individuals; and without rendering a benefit and advantage to individuals, what inſtitution of a public nature can be conducted? and is it not well known, that every employment a man engages in is for the purpoſe of gaining a livelihood? and which no liberal mind can wiſh to withhold from well merited exertions. And equally true will be the propoſition, that individuals, both of high and low degree, will be much benefited by the execution of ſuch a deſign: both private houſes and public ways would be much more ſafe, if any method could be deviſed of putting a ſtop to vice and immorality, which, although we are far from thinking this, or any method, can entirely do, yet

we do preſume to hope, the plan here ſuggeſted would in great meaſure tend to effect.

It may be objected, that every family may relieve its own ſervants; in anſwer to which, it may be obſerved. 1. That every family cannot afford it. 2. Many Maſters that can afford it, will neglect it; either from want of conſideration or of generoſity. In which caſes, although the Maſter deſerves no encouragement, yet the ſervant does, and the more ſo for that reaſon: to which we may add, 3. That, without doubt, ſuch a deſign may much more effectually be carried into execution by a joint contribution, than by any endeavours of ſingle perſons. For the great advantage of public ſocieties conſiſts in giving extent and permanency to the benevolence of individuals. The liberality of an individual is neceſſarily circumſcribed, not more by the want of pecuniary means adequate to his views, than by the want of common intereſt. Public ſocieties are every way calculated to remove the deficiencies and impediments, by collecting into one common ſtock many ſmall, and otherwiſe ineffectual contributions, and uniting in the proſecution of one undertaking, the exertion and zeal of many individuals, and conſequently by diffuſing the irreſiſtible effects of influence and example.

It is preſumed, that this inſtitution will have very great and ſalutary effects, and that it will tend very much to the increaſe both of public and private happineſs. If you were to erect a court of juſtice purpoſely for ſervants, wherein they might, though ſummarily, be fined, impriſoned, or otherwiſe puniſhed, that plan, after all the expence and all the diſcontent it muſt occaſion, would probably not produce the ſame good effects, as may ariſe from the mild method here propoſed.

As to frauds, jobs, and partialities, which may be apprehended in the execution of ſuch a deſign, we cannot help thinking, that from the regulations which are adopted (and others that may be added) the Society will be able to prevent any thing of that kind; eſpecially, when it is conſidered, that the whole is put under the management of gentlemen of reſpectable character. We will not ſay, thoſe who may make this objection, do it from ungenerous motives; but, we may add, that, if nothing is to be attempted, till we are abſolutely ſecure from all partial management and fraud, it will be in vain ever to propoſe any thing great or public-ſpirited. If every laudable undertaking were to be dropped becauſe it failed in ſome caſes, or was abuſed in others, there would not be left an alms-houſe, a charity-ſchool, or an hoſpital in the land. And if every right practice were to be diſcontinued, becauſe it had been found not to be ſucceſsful in every inſtance, this falſe reaſoning puſhed to the extreme, might at laſt be brought as an argument for ſhutting up our churches, and burning our bibles (*r*). Beſides, as the proceedings of this Society will be printed from time to time, when gentlemen find ſuch tricking or miſmanagement, it will then be time enough to withdraw their aſſiſtance.

Without venturing far into politics, or the art of government, it may be preſumed on as an obvious truth, that thoſe countries will bid moſt fair for happineſs, where the beſt regulations are made, or where the beſt police is eſtabliſhed; and that the generality of people, eſpecially of the lower ſort, are directed not ſo much by precept and exhortation, as by the channel into which things are put, and the

(*r*) Thoughts on the Manners of the Great. 7 Edit. page 75.

tendency they have to promote their common intereſt, and to mark out their private behaviour. Such a regulation is this taken to be; a regulation which would as it were, execute itſelf, and would naturally, and of courſe, produce a good effect, ſo as to ſave a great deal of further labour and attention.

It is to be obſerved, that this ſcheme is calculated to ſecure comfort and ſatisfaction to employers in the proper conduct of good domeſtics, and to promote induſtry and good manners, which muſt neceſſarily be conſidered as moſt invaluable bleſſings to any country, and have been lately and often recommended to us from the Throne (*s*), not to mention what is likewiſe inculcated from the Pulpit.

The condition of the *female ſervants* before mentioned ſhould awaken the charity of every one, but of the *Ladies* eſpecially; and there cannot be the leaſt doubt but that the preſent inſtitution will, in a particular manner, find a powerful advocate in every female breaſt. The views of public ſocieties are generally extended to objects which cannot with propriety fall within the reach of female patronage. Yet who can doubt that the ſame humanity which has ſo often acted individually to the relief of want and encouragement of induſtry, will be pleaſed with an opportunity of contributing its ſhare to a common ſtock, for the encouragement of their female domeſtics.

It is well known, that in all civilized countries, as well as in our own, the ſervants of the public are taken care of by the public; thoſe who have ſpent their lives in the ſervice of the ſtate, and been uſeful

(*s*) See the King's laſt proclamation againſt vice, &c.

to

to the community in their youth, are maintained and ſupported in their old age. The ſame reaſon ſhould doubtleſs hold good with regard to the private ſervice of individuals; and we are bound to preſerve and ſupport thoſe who have long and faithfully diſcharged their duty to us (*t*).

Notwithſtanding all that is ſaid, and juſtly too, reſpecting the high wages demanded by ſervants in general, yet in candour it muſt be confeſſed, that when all circumſtances are conſidered of the expence which ſervants are obliged to incur, according to the preſent ſtate of things, the moſt frugal can ſave but little to maintain them, when they are old or incapable of ſervice. In one reſpect, ſervants have a worſe proſpect than many of the inferior claſſes in life: for, in moſt ſituations, perſons have an opportunity of enlarging their dealings and gains by their diligence and friends: whereas a ſervant rarely gets more the ninth or tenth year than he does the third: and it is truly ſaid, "That ſervice "is no inheritance," and, indeed, but ſeldom procures any; a ſervant's gains will greatly depend on the regularity or irregularity of the families in which he may live.

Thoſe who are at preſent, or may hereafter enter into the ſervice of a member of this Society, will probably become more diligent and obedient, when they know that the ſober, honeſt, and induſtrious, are ſure of finding encouragement and reward by ſerving of thoſe who maintain reſpectable characters (*u*), if by ſickneſs, accidents, or infirmities of old age, they are rendered unfit for, or diſabled from earning their livelihood: they will therefore

(*t*) See 1 Anderſon 163, whereby it appears that Hen. 2. and 3, paid penſions to decayed ſervants.

(*u*) Mrs. Chapone's Letters, vol. ii. page 73.

look

look on their employer as their friend and guardian; their duty and ſervice will be always performed with pleaſure and chearfulneſs, and their Maſters and Miſtreſſes be attended with attention and gratitude, mutual good opinion being allowed to be an excellent foundation for domeſtic harmony; and there is no doubt, but that this difference of behaviour will ſoon be taken notice of by others, who would gladly come into the ſame meaſures, as means whereby to make them generally received throughout the kingdom; at leaſt the trial (*w*) is worth making, by thoſe who have any regard to the ſafety and happineſs of their own families, which cannot ſubſiſt unleſs better principles are infuſed into the minds of the lower orders of people, and their affections engaged in the intereſts of their ſuperiors.

As it is apprehended that great evils have frequently ariſen by families (out of an ill-judged principle of humanity, or other motives leſs excuſable) giving ſuch characters to diſcharged ſervants as they are conſcious they do not merit; it is moſt ſeriouſly recommended to all Maſters and Miſtreſſes, to whom applications may be made for the characters of ſuch ſervants, to ſtate in writing, according to the form recommended by this Society, the real crimes or faults (in caſe they ſhould have been guilty of any) for which they were diſcharged. And this the Society the more earneſtly recommends, as they are of opinion it will not only greatly co-operate with the views of the preſent undertaking; but that it will alſo tend greatly to the reform of the lower claſs of people in general, and of courſe lend great aid to the police.

(*w*) Mrs. Trimmer's Œconomy of Charity, addreſſed to Ladies, page 57.

And

And it is moſt reſpectfully ſubmitted to the Nobility and Gentry, &c. who commit the care of their inferior ſervants to the officers in their houſehold appointed for that purpoſe, that on application being made by this Society for the character of a ſervant diſmiſſed their ſervice, whether it might not be proper for them to inſpect the character drawn up by any of the officers of their houſehold, and alſo to certify by their own ſignatures, the truth thereof, previouſly to its being tranſmitted into the Society's office.

Such then are the thoughts, which immediately occur on the utility of the plan propoſed by the Society; and ſuch hints which, for the promotion of that plan, it ſeemed neceſſary to ſuggeſt. The reciprocal advantage of Maſter and Servant is concerned in the ſupport of ſuch an eſtabliſhment: the cauſe of humanity is deeply intereſted in the ſucceſs of an undertaking which propoſes to encourage and relieve a very numerous claſs of the people. Amidſt all our conſiderations of ſlaves in the remote part of our dominions, let us not forget to obſerve what is paſſing at home among ſervants; whoſe labours, as they are in ſome meaſure free, have a greater right to expect adequate compenſation. The generous mind will not think food, raiment and wages, adequate compenſation for the ſervice of many years; but will rejoice in means of providing for the comforts of a faithful ſervant, whether in the infirmity of ſickneſs, or the debility of old age.

The laws reſpecting ſervants conſider him only whilſt he is in a ſtate and capacity of actually ſerving. Of that time when ſervices muſt neceſſarily end, no conſideration is had: laws cannot enter into

into particular caſes of private life; to make proviſion in thoſe circumſtances muſt be the care of private perſons, either individually or collectively. Societies formed for ſuch purpoſe can act moſt effectually: deſireable therefore and laudable will be this Society, which is now eſtabliſhed, to correct defects which the legiſlature cannot amend, and to give relief in ſituations to which parliament cannot extend its attention.

HEADS

HEADS of the propoſed ACT (*a*).

IT is preſumed that a remedy for the inconveniences before mentioned might be found, if the Legiſlature would paſs an act that ſhould enact, That any perſon who ſhall perſonate or aſſume the character of an employer of a ſervant, whether in livery or out of livery, in order to procure ſuch ſervant an employment, or forge or counterfeit any certificate of ſuch ſervant's character, or pretend that ſuch ſervant hath lived with any perſon, other than whom he or ſhe ſhall have been hired or retained by; or if any perſon who ſhall have hired or retained any ſervant in his ſervice ſhall pretend that ſuch ſervant has lived with him or her for any longer, or at any other period, or in any other town, or capacity, other than what they have reſided and been employed in, or that ſuch ſervant left their ſervice at any other time than what he or ſhe really did, that then in either of the ſaid caſes ſuch perſon ſhall be ſubject to a penalty, to be recovered by diſtreſs, in default whereof to be committed to the houſe of correction; and that a ſervant offending in any of the above particulars be puniſhed by impriſonment, unleſs he ſhall previouſly lay an information againſt any perſon offending againſt the act, when he ſhall be entitled to one-half of the penalty.

That it might alſo enact, That every employer ſhall give to his or her ſervant, whether in livery or out of livery, at the time of ſuch ſervant leaving his or her ſervice, a certificate or diſcharge in writing to the following purport; viz.

" I do hereby certify, that A. B. was in my " ſervice at C. in the county of D. in the ſtation " of *(as the caſe may be)* for the term of

(*a*) See page 99.

" years

" years months (to wit) from the
" day of 17 to the day of
" 17 and is discharged from such service,
" and at liberty to serve elsewhere, according to
" the statute in that case made and provided.
" Witness my hand, at the day of
" in the year of our Lord 17
" E. F."

That no person shall hire a servant without his first producing such certificate, under a penalty; and a servant offering to be hired without such, or forging or altering such certificate, to be imprisoned. See pages 8. 21. 35. 42. 101.

That in case an employer refuses to give a servant such certificate, that the servant may apply to a justice of the peace for a summons for such employer, his steward, or agent, to shew cause for such refusal; and that the justice may, on examining into the matter, give the servant a discharge from such service gratis. See page 103.

That the acts of the 20 Geo. II. and the 6 Geo. III. be extended to all servants, both in livery and out of livery; and that they have the same advantages of recovering their wages, and be subject to the same jurisdiction as labourers in husbandry; and that the term of twenty-one days, now allowed, previous to the distress on the master's goods for non-payment of wages, be reduced to a shorter period. See pages 90. 95.

That the penalty on the servant, by the act of 6 Ann, for preventing mischiefs by fire, be mitigated. See page 89.

That a servant carrying away his livery without the consent of his master, be punished by imprisonment. See page 93.

That an appeal be allowed to the quarter sessions, but the proceedings not to be removed into the courts of Westminster.

POST-

POSTSCRIPT.

ALL Letters and Communications that may *tend to the improvement of this plan* for the public good, addreſſed to the Society, and directed to Mr. HUNTINGFORD, the Secretary, No. 10, *Welbeck-ſtreet, Cavendiſh-ſquare*, will be thankfully received and duly conſidered. The Society wiſhes to excite Gentlemen to turn their minds to this ſubject, and to communicate their ideas of the means whereby, as they apprehend, the defects complained of may be removed: and all perſons to whom any of the impoſitions, relative to the *forging* and *counterfeiting* of certificates of ſervants characters, have been made known, are requeſted to communicate the ſame to the Secretary.

Such Gentlemen and Ladies as approve of the plan of the Society, are requeſted to ſignify their concurrence, and intention of becoming Members, as early as convenient, that the Society may be enabled to render a more eſſential ſervice to the Community in general.

The Committee meet at the Secretary's Houſe, in Welbeck-ſtreet, every Wedneſday at Twelve o'clock in the forenoon, where the attendance of any Member of the Society will be eſteemed as a favor; any Subſcriber who pleaſes to attend being of the Committee.

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An Annual Subſcription of any Sum not leſs than Half a Guinea, towards the contingent expences of the Society, conſtitutes a perſon a Member. Subſcriptions received by Meſſrs. THOMAS COUTTS and Co. Bankers, in the *Strand*.

N. B. SERVANTS having the Certificate of their Characters duly filled up according to the form preſcribed by the Society, leaving the ſame with Mr. J. GRAY, Bookſeller and Stationer, in *Glaſshouſe-ſtreet, Golden-ſquare*, may have notice, every day (Sunday excepted) between the hours of ten and three, of any Members of the Society in want of ſuch Servants. Blank Certificates, with obſervations, may be had at Mr. GRAY's.

FINIS.